

Message

From: Bilal, Kari [Bilal.Kari@epa.gov]
Sent: 2/10/2025 9:38:58 PM
To: Wise, Melissa [wise.melissa@epa.gov]
Subject: RE: Memorandum on Review of Financial Assistance Programs

Yes indeed, I Just distributed your note.

The report and follow-up on the waste fraud memo Dan just mentioned will be immensely helpful in answering some of the questions I'm fielding.

I'm gonna practice watchful waiting from here no, so I don't keep bugging you.

Thank you so much for your help, Melissa!

Most grateful.

Kari
202-768-4483

From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Monday, February 10, 2025 3:19 PM
To: Bilal, Kari <Bilal.Kari@epa.gov>
Subject: RE: Memorandum on Review of Financial Assistance Programs

Hi Kari,

Yes, I was. I am glad you were able to join that call. We have another call scheduled today at 4pm. Hopefully, you can make it.

Regarding your question in the first bullet, you probably saw that we (OGD) are going to pull together a report that will identify all grants impacted by the memo. You will be able to see OLEM's grants. If it's not on the report, it is not impacted.

Regarding NOFOs, it depends. If the NOFO is tied to work associated with any of the accounts identified by OCFO, I would say no.

Have a good afternoon!

Melissa

From: Bilal, Kari <Bilal.Kari@epa.gov>
Sent: Monday, February 10, 2025 1:40 PM
To: Wise, Melissa <wise.melissa@epa.gov>
Subject: RE: Memorandum on Review of Financial Assistance Programs

Are you referring to the 4:00 call with Dan Coogan?

If so, I represented Barry on that call. I guess I need to go back through my notes.

Thank you always, Melissa!... Will do.

Have a great day!

Kari
202-768-4483

From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Monday, February 10, 2025 12:45 PM
To: Bilal, Kari <Bilal.Kari@epa.gov>
Subject: RE: Memorandum on Review of Financial Assistance Programs

Hi Kari,

I believe Barry Breen was on a call on Friday with the agency's SROs and can relay what was discussed. OMS is specifically asking that the SROs filter information from the meeting to others within their organizations. If you have not done so already, I would suggest reaching out to Barry to answer your questions.

Please let me know if you need anything else.

Take care,
Melissa

From: Bilal, Kari <Bilal.Kari@epa.gov>
Sent: Monday, February 10, 2025 12:07 PM
To: Wise, Melissa <wise.melissa@epa.gov>
Subject: FW: Memorandum on Review of Financial Assistance Programs
Importance: High

Hi Melissa,

For clarity and consistency, would you please help me respond to a couple of questions from OLEM program offices on the Chad McIntosh memo (attached)...

- With this new info is it true that OLEM Programs, including BIL and regular appropriations SWIFR and BIL-funded REO grants here in ORCR, the BIL-funded battery work and the RCRA Hazardous Waste Formula Grants to States under our regular appropriation are **not** a part of the Chad McIntosh issued memo re: financial assistance review for waste/fraud/abuse?

Proposed reply: YES

- Please clarify if the pause only applies to grants that have already been awarded and not to current NOFOs? In other words, can we resume work on threshold and merit reviews on proposals received under recently closed NOFOs.

Proposed reply: YES

Thanks for any additional clarity/guidance you can share.

Kari
202-768-4483

From: Bilal, Kari

Sent: Friday, February 7, 2025 12:51 PM

To: OLEM Project Officers <OLEMProjectOfficers@epa.gov>

Cc: OLEM Grant Coordinators <OLEMGrantCoordinators@epa.gov>; OLEM OD Deputies <OLEMODDeputies@epa.gov>; OLEM Regional Grant Contacts <OLEM_Regional_Grant_Contacts@epa.gov>; OLEM-FCOs <OLEM-FCOs@epa.gov>; OLEM OPM ARMS <OLEMOPMARMS@epa.gov>; OLEM LCRD ODs DDs <OLEM_LCRD_ODs_DDs@epa.gov>; Smith, John <Smith.John@epa.gov>

Subject: FW: Memorandum on Review of Financial Assistance Programs

Importance: High

OLEM Grants Community,

For your awareness...

From: McIntosh, Chad <mcintosh.chad@epa.gov>

Sent: Thursday, February 6, 2025 6:38 PM

To: Career_Deputy_Assistant_Administrators <Career_Deputy_Assistant_Administrators@epa.gov>;

Career_Deputy_Regional_Administrators <Career_Deputy_Regional_Administrators@epa.gov>;

Career_Deputy_Associate_Administrators <Career_Deputy_Associate_Administrators@epa.gov>; Trembl, Gregg <Trembl.Gregg@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>

Cc: Voyles, Travis <voyles.travis@epa.gov>

Subject: Memorandum on Review of Financial Assistance Programs

All—

Please find attached a Memorandum on Review of Financial Assistance Programs. Thank you for your continued service to ensure the effective implementation and use of taxpayer dollars.

Please reach out to OCFO and OMS for any further guidance.

Chad McIntosh

Acting Deputy Administrator

Message

From: Simms, Vanessa [Simms.Vanessa@epa.gov]
Sent: 2/11/2025 3:30:27 PM
To: Wise, Melissa [wise.melissa@epa.gov]
Subject: Re: Additional Information on IIJA and IRA - program review pause

Thank you Melissa!

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From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Tuesday, February 11, 2025 10:11:03 AM
To: Simms, Vanessa <Simms.Vanessa@epa.gov>
Subject: RE: Additional Information on IIJA and IRA - program review pause

Hi Vanessa,

Yes, as Dan shared yesterday, we are working on a communication.

Thank you and appreciate your patience.

Melissa

From: Simms, Vanessa <Simms.Vanessa@epa.gov>
Sent: Monday, February 10, 2025 3:25 PM
To: Wise, Melissa <wise.melissa@epa.gov>
Subject: RE: Additional Information on IIJA and IRA - program review pause

Hi Melissa,

Will OGD send a message to grantees affected? Many of them just got their ASAP access restored so I imagine mass confusion when they are restricted again. Thank you.

Kind regards,
Vanessa

From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Monday, February 10, 2025 3:00 PM
To: OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>
Cc: OCFO-SROs <OCFO_SROs@epa.gov>; OMS-OGD-Grants JROs <OMS-OGD-Grants-JROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Deputy Directors <Regional_Mission_Support_Division_Deputy_Directors@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>
Subject: RE: Additional Information on IIJA and IRA - program review pause

GMOs,

As a follow-up to the message below, OGD will provide a report that will identify all grants impacted by the temporary pause required for compliance review. Further, OGD will expand the listing below to include associated program codes and source of funds. The report will display active grants by region and HQ to ensure full awareness and accountability.

Thank you,
Melissa

From: Wise, Melissa

Sent: Friday, February 7, 2025 7:49 PM

To: OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>

Cc: OCFO-SROs <OCFO_SROs@epa.gov>; OMS-OGD-Grants JROs <OMS-OGD-Grants-JROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Deputy Directors <Regional_Mission_Support_Division_Deputy_Directors@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>

Subject: FW: Additional Information on IIJA and IRA - program review pause

Importance: High

Good evening, GMOs,

Please see important message below.

Thank you,
Melissa

From: Budget and Planning <Budget_and_Planning@epa.gov>

Sent: Friday, February 7, 2025 6:04 PM

To: Budget and Planning <Budget_and_Planning@epa.gov>; OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional_Budget_Officers@epa.gov>; OCFO-SROs <OCFO_SROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>

Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; Henry, Latonya <Henry.Latonya@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Kadel, Lek <Kadel.Lek@epa.gov>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>; Lane, Gary <Lane.Gary@epa.gov>; Robinson, Angel <robinson.angel@epa.gov>; Boyd, Wyatt <Boyd.Wyatt@epa.gov>; Katz, Brian <Katz.Brian@epa.gov>; Cardenas, Andrew <Cardenas.Andrew@epa.gov>; Li, Sylvana <li.sylvana@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Cottrill, Edward <Cottrill.Edward@epa.gov>

Subject: RE: Additional Information on IIJA and IRA - program review pause

Pursuant to the review of financial assistance programs announced by the Acting Deputy Administrator on February 6, the following accounts are temporarily paused for new obligations or disbursements for assistance agreements, loans, rebates, interagency agreements, procurements, and no-cost actions pending a review for compliance with applicable administrative rules and policies.

Air Quality Sensors in Low Income and Disadvantaged Communities (OAR) (STAG)
Clean Heavy-Duty Vehicles (OAR) (STAG)
Clean Heavy-Duty Vehicles in Nonattainment Areas (OAR) (STAG)
Clean School Bus Program (STAG)
Competitive Grants (OAR) (STAG)
Diesel Emissions Reductions (OAR) (STAG)
Emissions from Wood Heaters (OAR/ORD) (STAG)
Environmental and Climate Justice Block Grants – Technical Assistance (OEJECR)

Environmental and Climate Justice Block Grants (OEJECR)
 Environmental Product Declaration Assistance (OCSP/ORD/OAR)
 Fenceline Air Monitoring and Screening Air Monitoring (OAR/ORD) (STAG)
 Funding for the Implementation of the American Innovation and Manufacturing Act (OAR)
 Funding for Section 211 of the Clean Air Act – Advanced Biofuels (OAR)
 GHG Air Pollution Implementation Grants (OAR) (STAG)
 GHG and Zero Emission Standards for Mobile Sources (OAR) (STAG)
 GHG Pollution Planning Grants (OAR) (STAG)
 Grants to Reduce Air Pollution at Ports (OAR) (STAG)
 Grants to Reduce Air Pollution at Ports in Nonattainment Areas (OAR) (STAG)
 Greenhouse Gas Corporate Reporting (OAR) (STAG)
 Greenhouse Gas Reduction Fund – General Assistance (OA) (STAG)
 Greenhouse Gas Reduction Fund – Low Income and Disadvantaged Communities (OA) (STAG)
 Greenhouse Gas Reduction Fund – Zero Emission Technologies (OA) (STAG)
 Implementation / Accountability (OAR)
 Implementation and Compliance (OECA)
 Industry Outreach (OAR)
 Low Embodied Carbon Labeling for Construction Materials for Transportation Methane Monitoring (OCSP/ORD/OAR)
 Multipollutant Monitoring Stations (OAR) (STAG)
 State/Tribal/Local Government Outreach (OAR)
 Technical Assistance for Low Income Communities (OAR)

From: Budget and Planning <Budget_and_Planning@epa.gov>

Sent: Friday, February 7, 2025 11:29 AM

To: Budget and Planning <Budget_and_Planning@epa.gov>; OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional_Budget_Officers@epa.gov>; OCFO-SROs <OCFO_SROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>
Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; OCFO-OB-ALL. <OCFO-OB-ALL_x@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>

Subject: RE: Additional Information on IJIA and IRA

We are working expeditiously to carry out the attached and request your assistance where appropriate.

(excerpt)

Notwithstanding this directive, any disbursements on open grant awards that were paused due to Office of Management and Budget Memorandum M-25-13 or any Executive Order underlying that Memorandum shall continue to be immediately released, as the Agency initiated on February 3, 2025.

From: Budget and Planning <Budget_and_Planning@epa.gov>

Sent: Wednesday, February 5, 2025 11:00 AM

To: Budget and Planning <Budget_and_Planning@epa.gov>; OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF

<OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional Budget Officers@epa.gov>; OCFO-SROs <OCFO SROs@epa.gov>; Regional Mission Support Division - Directors <Regional Mission Support Division Directors@epa.gov>; Regional Mission Support Division - Directors <Regional Mission Support Division Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>
Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; OCFO-OB-ALL. <OCFO-OB-ALL x@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: Additional Information on IJJA and IRA

Clarifying the compound sentence in the original message.

Consistent with Court Order, obligations and disbursements to carry out all necessary work can proceed for:

- federal financial assistance;
- Superfund;
- and the accounts (originally) attached.

Note that thousands of accounts are involved and this is a manual process.

From: Budget and Planning <Budget and Planning@epa.gov>

Sent: Tuesday, February 4, 2025 1:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional Budget Officers@epa.gov>; OCFO-SROs <OCFO SROs@epa.gov>; Regional Mission Support Division - Directors <Regional Mission Support Division Directors@epa.gov>; Regional Mission Support Division - Directors <Regional Mission Support Division Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>

Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; OCFO-OB-ALL. <OCFO-OB-ALL x@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>

Subject: Additional Information on IJJA and IRA

Importance: High

This message provides additional detail to the attached message from the Acting Chief Financial Officer.

Consistent with Court Order, obligations and disbursements to carry out all necessary work can proceed for all federal financial assistance, including cooperative assistance agreements, all Superfund, and the accounts attached.

We will continue to keep the community updated as we implement Orders. Please note that effectuation in agency systems is occurring and requires sequencing.

Please share this information within EPA as necessary to execute.

Message

From: Sylvester, Kenneth [Sylvester.Kenneth@epa.gov]
Sent: 2/11/2025 6:13:46 PM
To: Wise, Melissa [wise.melissa@epa.gov]
Subject: Grant 840611
Attachments: Grant 84061101-0.pdf

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 84061101 MODIFICATION NUMBER: 0 PROGRAM CODE: XJ	DATE OF AWARD 08/03/2023
		TYPE OF ACTION New	MAILING DATE 08/08/2023
		PAYMENT METHOD: ASAP	ACH# PEND
		RECIPIENT TYPE: Not for Profit	
RECIPIENT: Institute for Sustainable Communities 535 Stone Cutters Way Montpelier, VT 05602-3795 EIN: 22-3098727		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov	
PROJECT MANAGER Russell Paez 535 Stone Cutters Way Montpelier, VT 05602 Email: rpaez@sustain.org Phone: 142-590-8039		EPA PROJECT OFFICER Darlene Byrd Email: byrd.darlene@epa.gov Phone: 202-566-2168	EPA GRANT SPECIALIST Matthew Forte Email: Forte.Matthew@epa.gov Phone: 202-564-0000
PROJECT TITLE AND DESCRIPTION Environmental Justice Thriving Communities Technical Assistance Center (EJ TCTAC) See Attachment 1 for project description.			
BUDGET PERIOD 06/01/2023 - 03/31/2028	PROJECT PERIOD 06/01/2023 - 03/31/2028	TOTAL BUDGET PERIOD COST \$ 10,000,000.00	TOTAL PROJECT PERIOD COST \$ 10,000,000.00
NOTICE OF AWARD <p>Based on your Application dated 11/01/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 8,000,000.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 8,000,000.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS Environmental Protection Agency, Grants Management & Business Operations Division 1200 Pennsylvania Ave, NW Mail code 3903R Washington, DC 20460		ORGANIZATION / ADDRESS Environmental Protection Agency, Office of Community Support OEJECR - Office of Environmental Justice and External Civil Rights 1200 Pennsylvania Ave NW Washington, DC 20460	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official for Jill Young - Chief - Grants Management Branch by LaShaun Phillips - Award Official Delegate			DATE 08/03/2023

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 0	\$ 8,000,000	\$ 8,000,000
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 0	\$ 8,000,000	\$ 8,000,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.309 - Surveys, Studies, Investigations, Training and Special Purpose Activities Relating to Environmental Justice	2023 Consolidated Appropriations Act (PL 117-328) 2022 Consolidated Appropriations Act (PL 117-103) Solid Waste Disposal Act: Sec. 8001(a) Clean Water Act: Sec. 104(b)(3) Clean Air Act: Sec. 103(b)(3)	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	23123WB024	2223	B	WF	000W57	4183	16EPMEJ	-	\$ 6,090,000
-	23123WB024	2324	B	WF	000W57	4183	16EPMEJ	-	\$ 224,779
-	23123WB024	2223	BR	WF00X02	000W57	4183	16IIJAEJ	-	\$ 1,685,221
									\$ 8,000,000

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 2,858,112
2. Fringe Benefits	\$ 857,434
3. Travel	\$ 181,108
4. Equipment	\$ 0
5. Supplies	\$ 48,220
6. Contractual	\$ 607,250
7. Construction	\$ 0
8. Other	\$ 3,851,700
9. Total Direct Charges	\$ 8,403,824
10. Indirect Costs: 29.60 % Base MTDC	\$ 1,596,176
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$ 10,000,000
12. Total Approved Assistance Amount	\$ 10,000,000
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 8,000,000
15. Total EPA Amount Awarded To Date	\$ 8,000,000

Attachment 1 - Project Description

The agreement provides funding to the Institute for Sustainable Communities (ISC) to serve as a national Environmental Justice Thriving Communities Technical Assistance Center (EJ TCTAC). The ISC team's experience and expertise offer the national EJ TCTAC network a robust national coordination mechanism that will build capacity, reduce duplication, and use complementary services to support all levels of the EJ TCTAC Program. Using ISC's networks, including ISC's National Climate Leaders of Color Network and ASAP's members, they will establish a National EJ TCTAC that will build the capacity of regional TCTACs, local leaders, communities, and technical assistance (TA) providers through needs-based, virtual, and in-person support and coordinated activities, tools, and resources. A key component of the National TCTAC will be ensuring the measurable success of the regional centers. When regional needs emerge, the team will provide direct services to program participants and communities. In coordination with the EPA, Department of Energy (DOE), and regional center teams, ISC will quickly mobilize a national center with flexible, three-pronged services that can adapt to diverse needs through 1) tailored support to regional TCTACs via peer learning, tools, and information sharing; 2) support to underserved communities using ISC's community engagement expertise; and 3) the development of an online National EJ TCTAC Platform for interactive communication, networking, collaboration, and greater funding access. Using the National Platform website, social media, direct contact, and other outreach, ISC will connect program participants, TA providers, potential partners, the regional TCTACs, and other stakeholders to each other and funding opportunities. The online Platform's multiple functions will include integrated feedback mechanisms, interactive two-way communication, and a means to communicate with our project team. The Platform will be fully customizable to serve the needs of EPA, regional TCTACs, and program participants and will comply with the Americans with Disabilities Act. At a minimum, the Platform will include multiple interfaces, including 1) password-protected logins for program participant profiles; 2) a space for regional TCTAC staff, partners, and TA providers; and 3) space for interactive, two-way conversation and chat options between participants, regional centers, and/or other stakeholders. The profiles will be used to promote volunteer and contracted TA services as well as to strengthen networks of leaders and role model champions. We will complement these with webinars and materials on partnership and coalition building. The Platform will also house an attractive, easy-to-use, and searchable Environmental and Energy Justice Library to share with regional. By the end of Year 1, the ISC team plans to launch the online Platform. The activities include establishing and maintaining the National EJ TCTAC online platform, coordination and planning meetings, outreach activities, national and local resource analyses, development of a technical assistance programs database, sustainability planning, compiling and development of resource development tools, materials, and products. Additional activities include conducting Regional TCTACs needs assessments, partnership facilitation, Regional TCTACs training, development of training and technical assistance programs supporting program participants' increased ability to apply for and manage grants addressing environmental and energy justice issues, including (but not limited to) air pollution and greenhouse gas emissions, the clean energy transition, water resource management, stormwater and flooding, and solid waste disposal. ISC will also hold Biannual Topic Based Webinars/Workshops, Annual Knowledge Sharing Convenings, Role Models and Leader Workshops, as well as private sector engagement and financing workshops throughout the project period.

The anticipated deliverables include the ISC team organizing planning and outreach activities within the first 3 months of the start of the project. By the end of Year 1, the ISC team will have initiated tailored support and launched the online platform. By Years 2 and 3, the ISC team will be providing iterative technical assistance, partnership facilitation, capacity building, financing facilitation, and other services to the regional TCTACs and program participants.

The expected outcomes include: 1) Increased stakeholder participation in EPA and DOE programs that impact environmental and energy justice, 2) Increased stakeholder participation in private sector decision-making that impact environmental and energy justice, 3) Increase in the number of applications received for EPA and DOE competitive grant awards, disaggregated by funder and by underserved communities, 4) Improved grant administration, performance, and management by program participants, 5) Increase in stakeholder participation in DOE programs, including those targeted at rural and remote communities or in proximity to current and former mine land, 6) Improved alignment to and consistency of services across each of the regional TCTACs, 7) Increased cost-efficiency of the regional EJ TCTACs due to more efficient use and alignment of tools, resources, and service delivery, 8) Improved operations of the regional EJ TCTACs and the National EJ TCTAC Program as a whole that contribute to the sustainability and scale

of the program.

The intended beneficiaries include underserved and rural and remote communities nationwide, and stakeholders of these communities, who will have increased ability to successfully access grant opportunities, manage grant funding, and to participate and engage in environmental and energy justice decision-making, creating real impact for their communities. Subaward activities include developing and maintaining the National EJ TCTAC online, interactive platform to enable diverse support for program participants and regional TCTACS. The platform will enable participants to create profiles, communicate directly, form partnerships, access financing, tap into training, and better understand how to access services at regional TCTACs. Subawardees will support performance measurement through platform usage analytics and other data collection. Subawardees will also play an important role in capacity building and, in coordination with the Project Manager and Partner Coordinator, will regularly co-facilitate peer learning sessions for regional TCTAC teams. Subawardees will support the capacity building of a nationwide network of technical assistance providers to support communities in accessing and using federal and other grant funds. Subawards will also support ISC's development of performance measurement tools to quantify the impact of TCTACs on environmental and energy justice issues and the communities served.

Administrative Conditions

A. General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later>. These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

B. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov and Etheridge.sa@gmail.com
- MBE/WBE reports (EPA Form 5700-52A): DBE Coordinator, Dominick Washington; mbe.wbe@epa.gov
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: Burney.Jacob@epa.gov
- Payment requests (if applicable): Burney.Jacob@epa.gov
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: Burney.Jacob@epa.gov

C. Prompt Payment

In accordance with Section 2(d) of the Prompt Payment Act (P.L. 97-177), Federal funds may not be used by the recipient for the payment of interest penalties to contractors when bills are paid late nor may interest penalties be used to satisfy cost sharing requirements. Obligations to pay such interest penalties will not be obligations of the United States.

D. No Fed

The recipient understands that none of the funds for this project (including funds contributed by the recipient as cost sharing) may be used to pay for the travel of Federal employees or for other costs associated with Federal participation in this project. Except however, if a Federal agency is selected through the recipient's procurement process to carry out some of the work as a contractor to the recipient, funds may be used to allow necessary Federal travel and other costs associated with Federal participation in this project.

E. Partial Funding

EPA is funding this agreement incrementally. There is no guarantee of funding beyond the first year. The **Total Approved Assistance Amount** identified on Line 12 of the budget table of this award is contingent upon the availability of appropriated funds, EPA funding priorities, and satisfactory progress in carrying out the activities described in the scope of work. If EPA informs the recipient that the amount on Line 12 will be reduced, the recipient agrees to provide an updated workplan and budget information, as needed, to amend the agreement.

F. Payment to Consultants

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2023, the limit is \$703.44 per day and \$87.93 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices). Contracts and subcontracts with firms for services which are awarded using the procurement requirements in Subpart D of 2 CFR 200, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction and control of the individuals who will be

providing services under the contract at an hourly or daily rate of compensation. See 2 CFR 1500.10.

Programmatic Conditions

Grants Programmatic Terms and Conditions

A. Reporting Terms and Conditions

1. **Quarterly Reports** – In accordance with federal regulations (Title 2 CFR, Part 200.329), the Recipient agrees to submit quarterly progress reports (e.g., every three (3) months) to the EPA Project Officer within thirty (30) days after each three-month reporting period. Specifically, reports are due the following dates for the duration of the agreement:
 - a. **September 30th**
 - b. **December 31st**
 - c. **March 31st**
 - d. **June 30th**

These reports shall cover work status, work progress, difficulties encountered, preliminary data results and a statement of activity anticipated during the subsequent reporting period, including a description of equipment, techniques, and materials to be used or evaluated. A discussion of expenditures along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies shall be included in the report. The report shall also include any changes of key personnel concerned with the project. In addition, the report shall include brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.

The Recipient should include best practices and/or lessons learned to date, and attachments and links for materials that may be helpful to other Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTACs) or similar organizations such as communication materials, outreach materials, and web tools. The Recipient agrees that it will promptly notify EPA's Project Officer (e.g. within 5 working days) of problems, delays, or adverse conditions which materially impair their ability to meet the outputs/outcomes specified in the assistance agreement work plan.

The reports will also describe the amount of technical assistance the Recipient has provided under this agreement to different types of program participants requesting technical assistance, the type of technical assistance provided, the location of the program participants requesting technical assistance, and other information related to the technical assistance as determined by the Recipient in consultation with the EPA Project Officer.

The Recipient will also track and report on whether the technical assistance provided to program participants resulted in funding. To facilitate program effectiveness, the Recipient must document and measure the success of their EJ TCTAC with information on success stories resulting from the technical assistance provided under this agreement and make this information available to EPA and/or the Department of Energy (DOE) in the quarterly reports and upon request. A success story is generally one that demonstrates a program participant obtaining funding or similar successes or benefits to a program participant resulting from technical assistance provided by the Recipient.

2. **Final Reports** – In accordance with federal regulations (Title 2 CFR, Part 200.329), the Recipient agrees to submit to the EPA Project Officer within one hundred and twenty (120) days after the expiration or termination of the approved project period, a final report and at least one reproducible copy suitable for printing. The final report shall document project activities over the entire project period and shall include brief information on each of the following areas:

- a) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan;
- b) reasons why anticipated outputs/outcomes were not met; and
- c) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.

This description may include overall best practices and/or lessons learned over the project performance period, and attachments and links for materials that may be helpful to other Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTACs) or similar organizations such as tip sheets, "how-to" sheets, communication materials, outreach materials, and web tools. The Recipient agrees that it

will notify EPA of problems, delays, or adverse conditions which materially impair their ability to meet the outputs/outcomes specified in the assistance agreement work plan.

3. Subaward Performance Reporting

The Recipient must report on its subaward monitoring activities under 2 CFR 200.332(d). Examples of items that must be reported if the Recipient has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.332(e), 2 CFR 200.206 and the 2 CFR Part 200.339 Remedies for Noncompliance.

B. EJ TCTAC Workshops, Summits, and Conferences (Virtual and/or In-Person) For Strategic Planning and Coordination

EPA's Project Officer may require EJ TCTAC recipients including the Recipient to attend multiple workshops, summits, and/or conferences related to the EJ TCTAC program. These trainings and conferences will assist all current EJ TCTAC recipients with strategic planning and project management of their cooperative agreements, as well as afford them the opportunity to learn from their peers and other experts. Virtual workshops/conferences will utilize webinar technology that can be accessed via personal computer. Conference call lines will be available for those who cannot attend in person.

EPA's Project Officer will keep the Recipient informed of the dates of the workshops and conferences. Workshop/conference attendees will come together to provide perspectives, insights, and lessons learned regarding the management of EJ TCTACs, the technical assistance needs of communities and program participants, accessibility of EJ TCTAC services, and effective methods of providing technical assistance and support to program participants while minimizing duplication of effort. The Recipient must identify at least one authorized official to participate in workshops/conferences specified by EPA's Project Officer.

The Recipient is permitted to use a reasonable amount of TCTAC cooperative agreement funds to pay for travel to the workshops consistent with the standards in 2 CFR 200.475. Staff time spent participating in in person or virtual workshops may also be charged to the TCTAC cooperative agreement.

The Recipient will also engage in outreach efforts, and coordinate as necessary with the other EJ TCTAC recipients, to make program participants located within the geographic coverage of a recipient's EJ TCTAC aware of the EJ TCTAC and the technical assistance it will provide to program participants. The Recipient will also work with the EPA Project Officer and /or DOE to facilitate the outreach efforts. In addition to the provisions above, the Recipient and the other EJ TCTAC recipients must coordinate amongst themselves, and in consultation with EPA and DOE, to identify ways to provide the technical assistance under the agreements as efficiently and effectively as possible and to minimize any duplication of coverage in providing the technical assistance.

Furthermore, consistent with 2 CFR 200.315(d)(1) and EPA's General Term and Condition *Copyrighted Materials and Data*, the Recipient will post data on program participants receiving technical assistance under this agreement (e.g., location, type of program participant and technical assistance, frequency of technical assistance to program participant types) on a web site accessible to EPA so that EPA's Project Officer and/or DOE can assist the EJ TCTAC Recipients avoid duplication of efforts and maximize the impacts of the program. The Recipient will also designate a representative to serve as a national liaison with the other EJ TCTACs, and other EPA technical assistance providers, to discuss and resolve any issues of conflict or duplication of coverage. The Recipient's national liaison will meet with the other national EJ TCTAC liaisons, Agency technical assistance providers, and the EPA Project Officer and/or DOE during quarterly meetings, or as determined necessary, that are established by a National EJ TCTAC or the EPA Project Officer to discuss coordination between the EJ TCTACs for program effectiveness.

C. Review and Oversight

1. Products - The Recipient agrees that any product (e.g., publication, outreach materials, training manuals) produced through this assistance agreement and made available for public view must be first reviewed by the EPA Project Officer for comment before release. The Recipient shall make all final decisions on the product content.

2. Monthly Calls - The Recipient shall consult with the EPA Project Officer on a monthly basis (at a minimum) in order to obtain input on program activities and products produced. However, the Recipient shall make all final decisions on project implementation and product content. It is at the EPA Project Officer's discretion to determine any change to the frequency with which calls are held.

3. Prior Approval - Any proposed changes to the work plan must be submitted in writing to the EPA Project Officer for approval prior to implementation. EPA's Grant Management Officer or Award Official, as appropriate, will provide written approval to the workplan revision via an amendment to the cooperative agreement. The Recipient incurs costs at its own risk if it fails to obtain written approval before implementing any changes.

D. Post-Project Period Follow-up and Engagement

For no less than one year after completion of the project, the Recipient agrees to periodically update its designated EPA Project Officer on current community-based and environmental justice work they are performing and how/if that work relates to its now completed project. These periodic updates may include (but are not limited to) recent local media reports, additional grant funding received, new initiatives, and developing partnerships. The frequency of these periodic updates will be at the discretion of the designated EPA Project Officer and will be discussed with the Recipient before the end of the project period and memorialized in writing. The Recipient is also encouraged, but not required, to continue providing updates and engaging with their EPA Project Officers beyond the additional year after the end of the project.

*NOTE – Compliance with this term & condition will not give the recipient priority or an advantage during future EPA EJ grant competitions and

is not a guarantee for future EPA grant funding.

E. Cybersecurity Condition

Cybersecurity Grant Condition for Other Recipients, Including Intertribal Consortia

- a. The Recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.
- b. (1) EPA must ensure that any connections between the Recipient's network or information system and EPA networks used by the Recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the Recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the Recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The Recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The Recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the Recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

F. Procurement Terms and Conditions

The Recipient agrees to conduct all procurement actions under this assistance agreement in accordance with the procurement standards set forth in Title 2 CFR, Parts 200.317 through 200.326 as supplemented by applicable provisions of 2 CFR Part 1500 and 40 CFR Part 33. Any costs incurred by the Recipient under contracts and/or small purchases that EPA determines under 2 CFR 200.339 to be in noncompliance with Federal procurement standards may be unallowable for Federal reimbursement.

The Recipient will ensure it has procedures in place to make sure that TA is provided to all program participants in a fair and objective manner especially when multiple program participants are requesting TA with respect to the same funding opportunity. The Recipient further agrees that it will not, in its capacity as a recipient of EPA EJ TCTAC funding under this award, provide letters of endorsement or support to program participants requesting or receiving technical assistance under this award for them to use in their applications for funding. Recipients may, however, provide letters of support or endorsement in their own names that do not mention the EPA EJ TCTAC program or otherwise imply that they are providing the letter in their capacity as and EPA EJ TCTAC recipient.

The above-described limitation applies to the EPA EJ TCTAC's contractors (including consultants) and subrecipient partners. EPA EJ TECTAC recipients are responsible for ensuring that all agreements with such entities include a term and condition describing the restrictions on providing letters of endorsement or support.

G. Quality Assurance

Authority: Quality Assurance applies to all assistance agreements involving environmental information as defined in [2 C.F.R. § 1500.12](#) Quality Assurance.

The Recipient shall ensure that subawards involving environmental information issued under this agreement include appropriate quality requirements for the work. The Recipient shall ensure sub-award recipients develop and implement Quality Assurance (QA) planning documents in accordance with this term and condition; and/or ensure sub-award recipients implement all applicable approved QA planning documents.

H. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

I. Use of Logos

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or reports, it must not be prominently displayed to imply that any of the Recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the **Institute for Sustainable Communities** received financial support from the EPA under an Assistance Agreement. More information is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy>

J. Paperwork Reduction Act^[1]

The scope of work for this cooperative agreement includes a survey or other information collection of identical information from 10 or more parties. As provided by 5 CFR 1320.3(d), EPA is a sponsor of the information collection for purposes of obtaining approval from the Office of Management and Budget for collecting information. The Recipient agrees to assist EPA in complying with OMB procedures at 5 CFR Part 1320 for obtaining Information Collection Request authorization. The Recipient may not collect information until EPA obtains OMB approval.

^[1] The activities under this award will be performed in compliance with the Paperwork Reduction Act (PRA) and/or will not be started until an OMB-approved Information Collection Request is in place or it has been determined the activities fall under a PRA exemption. EPA will prepare any necessary Information Collection Requests.

K. Prompt Payment to Subrecipients

The Recipient (referred to as a *Pass-through entity* in 2 CFR Part 200) will promptly reimburse its subrecipients for eligible and allowable costs incurred in connection with performance under this award as required by 2 CFR 200.305(b). The Recipient must disburse funds drawn down based on subrecipients invoices, request for payment or similar documentation within 5 business days of receiving payments from EPA that are based on their immediate cash need to disburse funds to the subrecipients. The Recipient may not require the subrecipients to use their own funds to compensate personnel, pay contractors or satisfy similar obligations prior to receiving disbursements of EPA funds unless the Recipient has determined under 2 CFR 200.332(c) that the risk of the subrecipient mismanaging the subaward warrants paying the subrecipient on a cost reimbursement basis. The Recipient making such determinations must work with the subrecipient to resolve concerns over proper management of Federal funds as promptly as possible and inform EPA's Project Officer of the status of these corrective actions.

L. Substantial Involvement

EPA and the US Department of Energy (DOE) will be substantially involved in the performance of this agreement. Substantial involvement in performance of this agreement by the EPA Project Officer and/or other EPA or DOE staff designated by the EPA Project Officer includes but is not limited to the following:

Monitoring Progress:

- Establishing routine meetings (e.g., weekly, monthly) and other monitoring to ensure successful project performance.
- Reviewing project phases and providing approval to continue to the next phase.
- Reviewing and commenting on any documents, web content, or other materials developed under this agreement. (The Recipient will make the final decisions on these matters.)
- Reviewing and approving substantive terms included in contracts or subawards (EPA's Project Officer and/or DOE will not suggest, recommend, or direct the Recipient to select any particular contractor or subrecipient except to the extent permitted in Section 10 of EPA's Subaward Policy.)
- Reviewing and commenting on tasks/deliverables and programmatic progress and other reports prepared under this award. The Recipient will make final decisions on the content of reports.

Key Personnel:

- Providing consultation regarding the selection of key personnel. EPA and DOE's involvement is limited to reviewing the technical qualifications of key personnel, and the Recipient will make the final decisions on selection of key personnel. EPA's Project Officer, other EPA staff and DOE personnel will not suggest, recommend, or direct the Recipient to select any individual.
- As provided in 2 CFR § 200.308, the Recipient must request prior written approval from EPA's Grants Management Officer for a change in key personnel specified in the application or award document, for their absence from award performance for more than three months, or for a 25 percent or more reduction in their time devoted to the award. EPA's Grants Management Officer will provide the prior written approval.

Joint Operational Involvement in Project Performance:

Joint operational involvement, participation, and/or collaboration between EPA, DOE, other EPA recipients, EPA contractors, other Federal agencies, and with the Recipient for award performance. Examples of involvement, participation and/ or collaboration may include:

- The EPA Project Officer and/or DOE personnel coordinating information sharing among the 17 Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTACs) including the Recipient, other agency technical assistance providers (e.g., Environmental Finance Centers, Brownfields Technical Assistance Providers, agency technical assistance contractors), and other Federal agency technical assistance providers, to minimize duplication of effort and coordinate coverage. This may include sharing data among the EJ TCTACS for things such as the number and type of program participants receiving technical assistance and the type of technical assistance being provided in the interest of avoiding duplication of efforts across this program and other EPA and Federal programs.

- The Recipient working with other EJ TCTACS, other EPA-funded technical assistance providers (see above), and other Federal agency technical assistance providers to coordinate technical assistance to avoid duplication of effort and address gaps that may exist across the nation. EPA's Project Officer may facilitate communication and coordination among technical assistance providers and with state and other appropriate agencies as necessary.
- EPA's Project Officer convening and participating in meetings between the Recipient, other Agency technical assistance providers, and other Federal agency technical assistance providers to facilitate the sharing of information and lessons learned, and to coordinate assistance.
- The Recipient reviewing applicable EPA and/or DOE guidance on providing technical assistance under this agreement and incorporating it as appropriate.
- EPA and/or DOE personnel participating in competitive selection of subrecipients to the extent permitted in Section 10.0(b) of EPA's Subaward Policy.
- EPA Project Officer consultation on proposed subrecipients' eligibility provided neither the Project Officer nor any other EPA employee directs, recommends, or suggests that the pass-through entity provide a subaward to a particular organization.
- If not described in the approved work plan, EPA Project Officer approval of competitive or noncompetitive procedures the Recipient will use to select subrecipients prior to the award of any subawards.
- The Recipient reviewing the EJ TCTAC onboarding sessions, virtual or recorded, that are designed by EPA and/or DOE to support the EJ TCTACs in grant management and compliance, eligible activities for technical assistance, and other matters necessary for effective and efficient award performance to reduce duplication and facilitate the most efficient use of Federal funding.

Work-plan Collaboration including:

- Input and advice from the EPA Project Officer and/or DOE on tools, research needs, data, and other information provided to the Recipient to support program participants with technical assistance under this agreement. The Recipient makes the final decision on the technical assistance provided to program participants.
- Consultation between the EPA Project Officer and/or DOE staff and the Recipient on effective methods of carrying out the work plan, provided the Recipient makes the final decision on how to perform authorized activities.
- Advice from the EPA Project Officer and/or DOE staff on how to access publicly available information on EPA, DOE, and other Federal agency web sites as necessary to carry out this award.
- With the consent of the Recipient, EPA and/or DOE staff may provide technical advice to the Recipient's contractors or subrecipients to carry out this award provided the Recipient approves any expenditures of funds necessary to follow advice from EPA and/or DOE staff. The Recipient remains accountable for performing contract and subaward management as specified in [2 CFR 200.318](#) and [2 CFR 200.332](#) as well as the terms of this award.
- EPA and/or DOE staff participation in meetings, webinars, and similar events upon the request of the Recipient or in connection with a co-sponsorship agreement.
- The Recipient engaging in outreach efforts to make program participants located within the geographic coverage of the Recipient's EJ TCTAC aware of the EJ TCTAC and the technical assistance it will provide to program participants. The Recipient will work with the EPA Project Officer and /or designated DOE staff to facilitate the outreach efforts.

M. EJ TCTAC Feedback

The Recipient must develop mechanisms for seeking feedback on their EJ TCTAC from program participants and prospective program participants that includes their satisfaction with the EJ TCTAC, ideas on ways to make it more effective and additional types of assistance it will consider providing (e.g., technical assistance should be a "two-way street"), and what steps the Recipient can take to address the feedback to improve the operation of the EJ TCTAC. The Recipient must make a concerted effort to obtain relevant feedback on their EJ TCTAC from underserved communities and communities in rural and remote areas including tribal governments. If the Recipient intends to use EPA and/or DOE funds to develop and administer surveys or other information collections subject to 5 CFR Part 1320 for feedback,

compliance with the Paperwork Reduction Act by EPA may be necessary. No EPA or DOE funds may be used to develop or administer surveys submitted to 10 or more respondents without the express written approval of EPA's Project Officer.

N. Tracking and Drawdown of Funding by Appropriation and Project Code

For this award, activities will be funded by EPA Environmental Programs and Management Funds (EPM) and DOE's Infrastructure Investment and Jobs Act (IIJA) funds and there will be separate project codes for each source of funding. Accordingly, for purposes of tracking and the drawdown of funding to perform the activities under this agreement the following provisions apply:

- The Recipient agrees to have financial and programmatic management systems in place to track costs according to project codes, source of funding, and any other relevant categories as directed by the EPA Project Officer. The Recipient agrees to allocate direct costs according to the project codes in accordance with relative benefits received (2 CFR §200.405 –Allocable costs). EPA will provide the project codes to the Recipient. Indirect costs shall be allocated consistent with the uniform grant guidelines (2 CFR §200).
- EPA will provide the project codes to the Recipient upon award and provide training to the Recipient on how to draw down funds in accordance with the project codes, source of funding, and other applicable accounting requirements.
- The Recipient must track expenditures of EPA EPM and DOE IIJA funds separately based on the associated appropriation and project code, and comply with EPA, DOE, and OMB requirements. This applies to subaward recipients as well. This includes the Recipient:
 - Tracking IIJA and “regular” EPM funds separately using Agency-provided project codes and accounting fields as appropriate.
 - Tracking all IIJA and non-IIJA expenditures and draw down the funding separately by appropriation and project code and using the assigned IIJA or non-IIJA “site” in ASAP (the Automated Standard Application Payment system), track expenditures, and include this information in quarterly progress reports to EPA or as requested.
 - Tracking and reporting on outputs and outcomes achieved by project code.
- The Grant Management Officer may amend these provisions as necessary.
- The EJ TCTAC Project Codes for (Institute for Sustainable Communities) are as follows:
 - EPA Project Code: 16EPMEJ
 - DOE Project Code: 16IIJAEJ

O. Conflicts of Interest (COI)

In addition to the requirements in EPA's General Term and Condition “Disclosing Conflict of Interests,” within 30 calendar days after award **[this can be modified and requested after selection and before award]**, the Recipient must submit a Conflict-of-Interest Plan (Plan) for approval by EPA's Project Officer for preventing, neutralizing, or mitigating conflicts of interest that may arise under the award when:

- The Recipient (through its own employees, subrecipients, or contractors including consultants, hereinafter collectively referred to as the Recipient in this provision) provides or intends to provide technical assistance, as described in the workplan, to help a program participant (e.g., an entity that may request technical assistance from the Recipient under the award) apply for competitive funding from Federal, State, Tribal, local government, private, or other sources when the recipient (through its own employees, subrecipients, or contractors including consultants) is also competing, or intends to compete, for the same funding.
- Contractors procured under the award (including consultants) provide technical assistance to help a program participant apply for competitive or non-competitive funding from Federal, State, Tribal, local government, private or other sources and intends to contract with the program participant for services necessary to perform the agreement with the funding source if the application is successful.
- There is any other circumstance or situation where the Recipient, or the EPA Project Officer and/or DOE, determine that a conflict of interest or the appearance of a conflict of interest needs to be addressed.

The Plan must provide, at a minimum, that the Recipient establish internal controls to ensure that when they are preparing applications for competitive funding, or providing technical assistance to program participants related to application preparation or submission for funding, do not have the ability to influence the content of competing applications or obtain information from applications that would provide them with an unfair competitive advantage. The Recipient must ensure that contractors (including consultants) hired by the Recipient to provide technical assistance on preparing applications for federal funding do not participate in the development of procurement specifications or other activities that violate the provisions in 2 CFR 200.319 on full and open competition for federally funded contracts. Contractors (including consultants) must agree not to seek or accept sole source contracts based on EPA funded technical assistance they provided for preparing any application for Federal funding. The Plan must also describe restrictions that prevent contractors (including consultants) from marketing their services or those of affiliated firms while providing EPA and/or DOE funded technical assistance.

EPA's Project Officer will advise the Recipient whether the Plan is approved, disapproved, or approved with modifications within 30 calendar days of receipt. Disapproval of the Plan may lead to Specific Terms and Conditions established by the Grants Management Officer or Award Official under 2 CFR 200.208 that preclude the Recipient from receiving payment from EPA until the Plan is approved.

The Recipient agrees that if an actual, apparent, or potential COI is identified any time during the performance of this award, they immediately will make full disclosure in writing to their EPA Project Officer. This disclosure shall include a description of actions that the Recipient has taken or proposes to take after consultation with their Project Officer and EPA's Grants Management Officer to avoid, mitigate, or neutralize the COI. The Recipient shall continue performance unless notified by EPA's Grants Management Officer or other Authorized EPA Official of actions EPA has taken under 2 CFR 200.208, 2 CFR 200.339 or 2 CFR 200.340 that require discontinuance of performance of the award.

The Recipient must also ensure that all entities providing technical assistance under this award (including its contractors and consultants) agree not to seek or accept sole-source contracts based on EPA-funded TA they provided for preparing any application for federal funding.

The Recipient must flow-down this COI provision to all subrecipients and contractors under this award.

P. Ineligible Activities

The following are examples of ineligible activities that the Recipient cannot perform under this award and for which costs will not be allowable under this award:

- General business training or financial assessments including assistance with business plans or marketing. For example, the Recipient cannot offer training, advice, or assistance on topics such as human resources, hiring, retention, health care benefits, quality certifications, Lean, Six Sigma, or manufacturing, except where the assistance specifically relates to compliance with grant requirements
- The Recipient acting as the program participant's representative (e.g., the recipient cannot call federal or state personnel and assert that they speak for program participants or call a help desk and act as if they are the program participant). The Recipient must maintain their role as providing assistance, training, and support/resources to program participants and not act as their representatives in communications with other parties.
- Training (e.g., vocational type training) for program participant personnel unrelated to the purpose of an EJ TCTAC.
- Assistance in establishing a new organization, business, entity
- Legal advice, services, or representation including those in connection with disputes with Federal agencies or disputes with subrecipients or contractors.

In addition, funding from EPA and DOE may not be used by the Recipient for the writing and/or submittal of individual grant applications for, or on behalf of, program participants to a requesting entity. EPA funds, however, may be used by the Recipient to provide assistance to program participants on preparing applications for funding which includes providing assistance or "tips" to strengthen an application to enhance its competitiveness and responsiveness to funding opportunity announcements. Conversely, DOE funds may not be used by the Recipient for any assistance to program participants in connection with preparing, reviewing, negotiating, or submitting any application or workplan for DOE funding, or to provide support regarding the administrative policies and requirements, cost principles, or audit requirements for individual DOE awards.

If the Recipient has any questions on whether an activity or cost under this grant is allowable or eligible for funding, they should contact the EPA Project Officer who will consult with EPA and/or DOE staff as necessary.

Q. Priority Funding

If funding or budget issues or limitations materialize during the term of the award that requires the Recipient to prioritize the delivery of technical assistance to program participants, the Recipient will work with the EPA Project Officer and/or /DOE staff to prioritize who should receive the technical assistance under this award with an emphasis on providing it to capacity constrained program participants and those who have not historically been successful in obtaining federal or other funding for environmental justice projects. However, subject to the limitations in the EPA award regarding amounts of funds and types of eligible technical assistance, the Recipient will make the final decisions on who receives technical assistance.

R. Technical Assistance Disclaimer

The Recipient will ensure it has procedures in place to make sure that technical assistance (TA) is provided to all program participants in a fair and objective manner especially when multiple program participants are requesting TA with respect to the same funding opportunity. The Recipient further agrees that it will not, in its capacity as a recipient of EPA EJ TCTAC funding under this award, provide letters of endorsement or support to program participants requesting or receiving technical assistance under this award for them to use in their applications for funding. Recipients may, however, provide letters of support or endorsement in their own names that do not mention the EPA EJ TCTAC program or otherwise imply that they are providing the letter in their capacity as and EPA EJ TCTAC recipient.

The above-described limitation applies to the EPA EJ TCTAC's contractors (including consultants) and subrecipient partners. EPA EJ TCTAC recipients are responsible for ensuring that all agreements with such entities include a term and condition describing the restrictions on providing letters of endorsement or support.

Message

From: Manion, Andrea [Manion.Andrea.L@epa.gov]
Sent: 4/1/2025 4:36:21 PM
To: Wise, Melissa [wise.melissa@epa.gov]; Burney, Jacob [Burney.Jacob@epa.gov]
CC: Wright, Garth [wright.garth@epa.gov]; Connery, Shannon [Connery.Shannon@epa.gov]
Subject: FW: Updated OGC Recommended Response RE: ASAP Access
Attachments: Coordinating on grant terminations and Congressional inquiries

Hi,

Is the below still the approved language for responding to EJ grantees who ASAP accounts are suspended? R10 is getting questions from recipients and my management wants me to provide a response. Please see attached email.

If this is not the approved language, do you have a new approved response?

Thank you,

Andrea (Ann) Manion
Grants Management Officer
U.S. Environmental Protection Agency, R10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
206-553-1087

From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Friday, January 31, 2025 11:15 AM
To: Burney, Jacob <Burney.Jacob@epa.gov>; OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>
Cc: Segovia, Theresa <Segovia.Theresa@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>
Subject: RE: Updated OGC Recommended Response RE: ASAP Access

Thank you, Jacob, for sharing.

-Melissa

From: Burney, Jacob <Burney.Jacob@epa.gov>
Sent: Friday, January 31, 2025 2:07 PM
To: OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>
Cc: Segovia, Theresa <Segovia.Theresa@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>
Subject: FW: Updated OGC Recommended Response RE: ASAP Access
Importance: High

Greetings GMOs:

As requested, here is OGC's (Jim Drummond's) updated recommended language for OEJEER related to the IRA and IJA funded EJ grantees who have questions about their ASAP access.

See **highlighted** language in email below.

Regards,
Jacob

Jacob J. Burney | Division Director | Grants Management Division | Office of Environmental Justice and External Civil Rights |
[Tel:202.564.2907](tel:202.564.2907) | US EPA 1200 Pennsylvania Ave. NW (2201A) Washington, DC 20460 |

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<https://www.epa.gov/environmentaljustice/environmental-justice-grants-and-resources>

For up-to-date information about Environmental Justice funding opportunities, events, and webinars, subscribe to EPA's Environmental Justice listserv by sending a blank email to: join-epa-ej@lists.epa.gov

From: Burney, Jacob

Sent: Friday, January 31, 2025 12:33 PM

To: Walts, Alan <walts.alan@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Triantafillou, Kathy <triantafillou.kathy@epa.gov>; Clarke, Rosita <clarke.rosita@epa.gov>

Cc: Dula, Justin <Dula.Justin@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>; Milazzo, Julie <Milazzo.Julie@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>

Subject: Updated OGC Recommended Response RE: ASAP Access

Importance: High

Greetings Lead Region (Alan, Kara, Kathy, and Rosita):

OGC has made an update to the language our program staff may use in responding to the IRA and IJA Grants pause. OGC is currently recommending this language for program office use when grant recipients ask why they cannot access funds in ASAP. It is based on the Office of Public Affairs statement coupled with the email from OGD to Grantees.

See Instructions below:

- Project Officers (POs) and other program staff should only use this message if a grant recipient contacts them and asks about the recipient's access to ASAP or similar questions. POs should **not** initiate contact with recipients.
- Once an email or question about ASAP access (or similar issue) is received, the respondent should attach the email attachment titled "Pause EPA Grants" to the response email.
- Copy and Paste the language below in the body of the email:

The Office of Management and Budget has rescinded the *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* memorandum. There is no pause on activities related to the obligation or disbursement of EPA Federal financial assistance referenced in the original memorandum at this time. The agency is continuing to work diligently to implement President Trump's [Unleashing American Energy](#) Executive Order issued on January 20 in coordination with the Office of Management and Budget. The agency has paused all funding actions related to the Inflation Reduction Act and the Infrastructure Investment and Jobs Act at this time. Please refer to the attached guidance.

We cannot comment further pending receipt of additional guidance.

GMD's Program Managers (Vanessa, Omari, etc.) are communicating this language to Regional Project Officers.

Just as before, if a particular region is having "no communication" with regional recipients at this time, those Project Officers can forward their recipients' emails us here in OEJECD HQ. We can respond with the updated recommended language out of GMD.

Let me know if you have questions or want to chat. For specific, case-by-case questions, project officers should talk to their leadership and to us.

Regards,
Jacob

Jacob J. Burney | Division Director | Grants Management Division | Office of Environmental Justice and External Civil Rights |
[Tel:202.564.2907](tel:202.564.2907) | US EPA 1200 Pennsylvania Ave. NW (2201A) Washington, DC 20460 |

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<https://www.epa.gov/environmentaljustice/environmental-justice-grants-and-resources>

For up-to-date information about Environmental Justice funding opportunities, events, and webinars, subscribe to EPA's Environmental Justice listserv by sending a blank email to: join-epa-ej@lists.epa.gov

Message

From: Chung, Angela [Chung.Angela@epa.gov]
Sent: 4/1/2025 4:14:51 PM
To: Regan, Mickey [Regan.Mickey@epa.gov]; Wright, Garth [wright.garth@epa.gov]; Manion, Andrea [Manion.Andrea.L@epa.gov]
CC: Harmon, Russell [Harmon.Russell@epa.gov]
Subject: Coordinating on grant terminations and Congressional inquiries

Hi Ann and Garth,

As you develop potential responses, I'd also like to ask you to coordinate with Russ and have you provide me a recommendation with his input. He received a request for more info from OCFO since a Senate staffer from AK asked about one of those terminated grants (Kelp Drying Using Waste Heat" #51-02J56301). And heard from OCFO that they may be working to revise the standard template lingo. Thanks.

Angela Chung
Region 10 Senior Resource Official
Director, Mission Support Division
1200 Sixth Ave, Suite 155
Seattle, WA 98101
(206) 553-6511

From: Chung, Angela
Sent: Tuesday, April 1, 2025 9:04 AM
To: Regan, Mickey <Regan.Mickey@epa.gov>; Wright, Garth <wright.garth@epa.gov>; Manion, Andrea <Manion.Andrea.L@epa.gov>
Subject: RE: URGENT: Philanthropy Northwest Immediate Need to Access Obligated Funds (3/10/2025) | Second Request (3/16/2025) | Third Request (3/24/2025) | Fourth Request (3/31/2025)

Thanks. I saw that Lucy forwarded to Dan and Emma yesterday.

Yes, Ann – please forward to Melissa. I briefly mentioned it on a MSDD call just now and she was on the phone with Dan Coogan. Thanks.

Angela Chung
Region 10 Senior Resource Official
Director, Mission Support Division
1200 Sixth Ave, Suite 155
Seattle, WA 98101
(206) 553-6511

From: Regan, Mickey <Regan.Mickey@epa.gov>
Sent: Tuesday, April 1, 2025 8:53 AM
To: Wright, Garth <wright.garth@epa.gov>; Manion, Andrea <Manion.Andrea.L@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>
Subject: FW: URGENT: Philanthropy Northwest Immediate Need to Access Obligated Funds (3/10/2025) | Second Request (3/16/2025) | Third Request (3/24/2025) | Fourth Request (3/31/2025)
Importance: High

Ann and Garth: Please advise on EPA's response. The Grantee has included senators Cantwell, Murray, Murkowski, Wyden, and Merkley.

@Chung, Angela: Please share with Dan/Emma and instruct Ann to share with Melissa Wise, if you think warranted.

Mickey Regan, Deputy Director | Mission Support Division | EPA Region 10 | Seattle, Washington | 206.553.1648

From: Jill Nishi <Jnishi@philanthropyNW.org>

Sent: Monday, March 31, 2025 4:47 PM

To: Tomlinson, Martha Scott <Tomlinson.MarthaScott@epa.gov>

Cc: Osagie, Sydney <Osagie.Sydney@epa.gov>; Terada, Derrick <Terada.Derrick@epa.gov>; Burney, Jacob <Burney.Jacob@epa.gov>; Meredith Higashi <mhigashi@philanthropyNW.org>; Rachel Jackson <rjackson@philanthropyNW.org>; Bills, Shawn (Murray) <Shawn_Bills@murray.senate.gov>; Baird, Stacy (Cantwell) <stacy_baird@cantwell.senate.gov>; Dana Herndon <Herndon@murkowski.senate.gov>; madison moskowitz <madison_moskowitz@wyden.senate.gov>; Buckner, Jacob (Wyden) <Jacob_Buckner@wyden.senate.gov>; Kat Abrams <Kat_Abrams@merkeley.senate.gov>; Jillian Blanchard <jillian@lawyersforgoodgovernment.org>

Subject: RE: URGENT: Philanthropy Northwest Immediate Need to Access Obligated Funds (3/10/2025) | Second Request (3/16/2025) | Third Request (3/24/2025) | Fourth Request (3/31/2025)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Dear Martha Scott,

Per my previous requests, Philanthropy Northwest's access to funds obligated under our Assistance Agreement (Grant ID 5N - 02J63901-1) has been improperly denied for now **15 business days (3 weeks)** without an Agency Decision pursuant to 2 CFR 1500.14(c) specifying particularized grounds for remedial action under 2 CFR 200.339(a) or (c) to withhold payment pending corrective action or suspend or terminate the grant. This action violates the terms of the assistance agreement incorporating those regulations. If EPA fails to restore Philanthropy Northwest's access to our ASAP or to issue an Agency Decision that comports with applicable regulatory requirements, we intend to take all appropriate legal actions to prevent irreparable and continuing harm to our employees, contractors, subrecipients, program beneficiaries, and the communities we serve.

Our last successful drawdown of our ASAP funds was March 3, 2025. Since March 7, 2025, Philanthropy Northwest has no ability to draw down funds from the ASAP account associated with our \$52M grant (Grant ID 5N - 02J63901-1) despite repeated attempts. (Please see attached screenshot)

The fact that our account remains inaccessible not only violates the agency's obligations under the terms of our award, but it directly contradicts EPA's obligations under 2 CFR 200.305(b)(6) not to withhold payment for allowable costs incurred during the performance of an assistance agreement unless the recipient has not complied with the terms of the award or is delinquent on a federal debt. Neither circumstance is present here, and the agency has not offered any evidence to suggest that either circumstance applies to us. Accordingly, we demand that the agency immediately reinstate our access to our account pursuant to our legally binding award, signed by EPA on December 20, 2024.

Moreover, under 2 CFR 200.343, we are entitled to reimbursement for costs incurred prior to and during the EPA's unauthorized suspension of our access to funds in ASAP. The costs that we have properly incurred through March 15th include:

Cost Category	Unreimbursed Expenses	
Salaries	\$ 74,042.53	
Fringe Benefits	48,031.10	
Sub-Total: Personnel Expenses		\$ 122,073.63
Travel	\$ 9,715.11	
Equipment	0	
Supplies	0	
Contractual	87,057.25	
Construction	0	

Other: Postage, Paid Media, Subscriptions	1,418.28	
Other: Honoraria (NO IDC)	400.00	
Sub-Total: Non-Personnel Expenses		\$ 98,590.64
Indirect Cost (15%)		\$ 33,039.64
Total Unreimbursed Expenses	-	\$ 253,703.91

Accordingly, we demand payment of \$253,703.91 to cover all reimbursable costs under 2 CFR 200.343 during this inappropriate suspension of our funds.

Withholding this money now has already caused (and will continue to cause) irreparable harm to the communities that we serve, unnecessarily cause duress to staff whose jobs are funded by this grant, and to Philanthropy Northwest's financial health as it bears the burden of absorbing these costs without reimbursement.

We want to continue to make progress towards achievement of key policy goals that effectuate the goals of the EPA—specifically Pillar 1 of the agency's *Powering the Great American Comeback Initiative* to ensure “Clean Air, Land, and Water for Every American.”

As such, we hope and expect that our grant will be reinstated as soon as possible.

The fact that our account is still inaccessible contradicts the federal government's obligations under the terms and conditions of our award. While we understand that there have been Executive Orders suggesting that federal funding under the IRA and IJA should be halted, these efforts are not law and have been [successfully challenged in court](#). Most recently, a [new order](#) grants a Preliminary Injunction, stating that “Agency Defendants are enjoined from pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriate federal funds to the States [22 states and the District of Columbia that are plaintiffs] under awarded grants, executed contracts, or other executed financial obligations.”

Moreover, Judge Abelson has ruled that the termination provision in ([Exec. Order No. 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing](#), January 20, 2025, 90 Fed. Reg. 8339, 8339, Section 2(b)(i) is likely unconstitutional. The court said: “Plaintiffs have shown that the specific Challenged Provisions infringe on core constitutional protections, and that the status quo must be maintained while Plaintiffs and the government litigate the claims asserted in this case.” (National Association of Diversity Officers in Higher Education, et.al v Donald J. Trump, [Memorandum & Preliminary Injunction](#), February 21, 2025). Though the Fourth Circuit Court of Appeals granted a stay pending a decision of the case on the merits, it remains clear that termination of grants, including by EPA, that violate due process or is predicated on an infringement of free speech - as well as actions that violate civil rights laws - is unconstitutional and illegal.

We will continue to fulfill our obligations under our Assistance Agreement (Grant ID 5N - 02J63901-1) until receipt of a proper Agency Determination is provided pursuant to 2 CFR 200.339 or 2 CFR 200.340 and establishes grounds for termination under the terms and conditions of our Assistance Agreement (Grant ID 5N - 02J63901-1). Suspension or termination is only authorized under the circumstances described in the Terms and Conditions in Section W, which does not include changes in Agency priorities. Given that by statute (42 U.S.C. 7438(b)(1)) the performance period for Assistance Agreement (Grant ID 5N - 02J63901-1) is limited to 3 years, continued withholding of funding without legitimate grounds for suspension or termination of payments appears to be an effort on EPA's part to thwart Congressional intent and likely violates the Impoundment Control Act.

For all of these reasons, we are requesting our account be reinstated in ASAP **immediately** pursuant to our legally-binding award to help the communities across America that we serve. We would appreciate it if you could provide guidance on how long we can rely on the reinstatement to be sustained so that we have full faith in the ability to access these obligated funds. Until we receive formal notice or direction otherwise, we will continue to fulfill the obligations of our assistance agreement.

If you are unable to reinstate our funds in ASAP, we demand a clear response by email stating the **legally justifiable** reasons identified within our terms and conditions that support this delay in reimbursement of our federally authorized, legally obligated funds. We have reviewed our terms and conditions, and no such authority exists.

If we have not had our funds reinstated or received a clear statement identifying legally justifiable reasons for suspending our funding, we will seek all remedies available to us in a court of law as it will be clear that further interactions with the agency on these issues would prove futile.

Thank you again for your assistance in implementing the statutes and regulations applicable to Grant ID 5N - 02J63901-1. We look forward to your prompt reply.

Best, Jill Nishi

From: Jill Nishi

Sent: Monday, March 24, 2025 4:41 PM

To: Tomlinson, Martha Scott (she/her/hers) <Tomlinson.MarthaScott@epa.gov>

Cc: Osagie, Sydney <Osagie.Sydney@epa.gov>; Terada, Derrick <Terada.Derrick@epa.gov>; Burney, Jacob <Burney.Jacob@epa.gov>; Meredith Higashi <mhigashi@philanthropyNW.org>; Rachel Jackson <rjackson@philanthropyNW.org>

Subject: RE: URGENT: Philanthropy Northwest Immediate Need to Access Obligated Funds (3/10/2025) | Second Request (3/16/2025) | Third Request (3/24/2025)

Martha Scott – As of this morning, Monday, March 24th, Philanthropy Northwest remains without access to our Thriving Communities Program funds (Grant ID 5N - 02J63901 and 5N - 02J63901-1).

We have had no access to our ASAP account or ability to draw down funds to reimburse expenses incurred for the Thriving Communities Program since, Friday, March 7th. This is now **10 business days** where we are absorbing the costs of the program, including one cycle of payroll for grant funded staff. In addition, we have sub-grantees who received notification that their proposed project will be funded and are awaiting the awarding of their grants.

We received no notice for the basis for locking us out of our account. If you are unable to reinstate our ASAP account, we request a clear response by email explaining the legal reasons that EPA is delaying the reimbursement of federally authorized, legally obligated funds.

Thank you again for your assistance and for the hard work you are doing to implement the law.

Jill Nishi

Philanthropy Northwest

Region 10 Thriving Communities Program

From: Jill Nishi

Sent: Tuesday, March 18, 2025 3:21 PM

To: Tomlinson, Martha Scott (she/her/hers) <Tomlinson.MarthaScott@epa.gov>

Cc: Osagie, Sydney <Osagie.Sydney@epa.gov>; Terada, Derrick <Terada.Derrick@epa.gov>; Burney, Jacob <Burney.Jacob@epa.gov>; Meredith Higashi <mhigashi@philanthropyNW.org>; Rachel Jackson <rjackson@philanthropyNW.org>

Subject: RE: URGENT: Philanthropy Northwest Immediate Need to Access Obligated Funds (3/10/2025) | Second Request (3/16/2025)

Martha Scott:

As we are now six business days without access to our Thriving Communities Program funds (Grant ID 5N - 02J63901 and 5N - 02J63901-1), we are respectfully submitting a second request for reinstatement of our funds, as we absorb costs and expenditures related to administering the program with no means of reimbursement.

If you are unable to reinstate the ASAP program, we request a clear response by email explaining the legal reasons that EPA is delaying the reimbursement of federally authorized, legally obligated funds.

Thank you again for your assistance and for all of the hard work you are doing to implement the law.

Jill Nishi
Philanthropy Northwest
Region 10 Thriving Communities Program

From: Jill Nishi
Sent: Monday, March 10, 2025 2:06 PM
To: Tomlinson, Martha Scott (she/her/hers) <Tomlinson.MarthaScott@epa.gov>
Cc: Osagie, Sydney <Osagie.Sydney@epa.gov>; Terada, Derrick <Terada.Derrick@epa.gov>; Burney, Jacob <Burney.Jacob@epa.gov>; Meredith Higashi <mhigashi@philanthropyNW.org>; Rachel Jackson <rjackson@philanthropyNW.org>
Subject: URGENT: Philanthropy Northwest Immediate Need to Access Obligated Funds
Importance: High

Dear Martha Scott:

I am writing to you to flag an urgent issue that Philanthropy Northwest is facing with respect to our legally obligated funds. We are the Region 10 grantmaking intermediary for EPA's Thriving Communities Program (Grant ID 5N - 02J63901 and 5N - 02J63901-1). We most recently drew down funds on March 3, 2025. However, as of 3:00 p.m. PT on Friday, March 7, 2025 we were unable to draw down funds from our Thriving Communities \$52M grant. As of this morning, March 10th, the status of our ASAP account remains suspended. (Please see attached).

We believe that our funds should be reinstated in ASAP immediately pursuant to our legally binding award, signed by EPA on October 30, 2024 and amended on December 20, 2024. The fact that our account is inaccessible is in clear contravention of court orders. While we understand that there have been Executive Orders issued and an OMB Guidance Memo halting federal funding under the IRA and IIJA, these efforts have been [successfully challenged in court](#) and, until further notice, can no longer be applied. Most recently, a [new order](#) grants a Preliminary Injunction, stating that "Agency Defendants are enjoined from pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriate federal funds to the States [22 states and the District of Columbia that are plaintiffs] under awarded grants, executed contracts, or other executed financial obligations." Accordingly, we see no reason for withholding our legally obligated funds at this time.

Withholding this money now will cause harm to the communities that we serve. We recently notified our first round of sub-grantees of their awards following a competitive RFP process. Without access to our ASAP account we cannot disburse funding to fulfill these commitments. These organizations are working to reduce energy costs, create jobs and implement energy projects in the states of Alaska, Idaho, Oregon and Washington. In addition, we will not be able to compensate essential personnel and quality assurance contractors to administer the program. Finally, the inability to access these funds prevents us from reviewing our second round of applications for funding which closed on March 7, 2025. We have received 399 applications totaling \$116M in requests that will require immediate review.

For all of these reasons, **we are requesting our account be reinstated in ASAP immediately** pursuant to our legally binding award and the [court's order](#) to support the communities that we serve in Region 10. We would appreciate it if you could provide guidance on how long we can rely on the reinstatement to be sustained so that we have full faith in the ability to access these obligated funds. Until we receive formal notice or direction otherwise, we will continue to fulfill the obligations of our Thriving Communities Grantmaking Program Cooperative Agreement.

If you are unable to reinstate the ASAP program, we request a clear response by email explaining the legal reasons that EPA has to delay reimbursement of federally authorized, legally obligated funds.

Thank you again for your assistance and for all of the hard work you are doing to implement the law.

Jill Nishi

CEO, Philanthropy Northwest



Jill Nishi | She/her
Chief Executive Officer
jnishi@philanthropynw.org
206-443-8434



[Subscribe](#)

Message

From: Burney, Jacob [Burney.Jacob@epa.gov]
Sent: 4/1/2025 4:39:06 PM
To: Manion, Andrea [Manion.Andrea.L@epa.gov]; Wise, Melissa [wise.melissa@epa.gov]
CC: Wright, Garth [wright.garth@epa.gov]; Connery, Shannon [Connery.Shannon@epa.gov]
Subject: RE: Updated OGC Recommended Response RE: ASAP Access
Attachments: Approved Grant Statements

Hi Andrea:

See attached.

Melissa sent this out last Thursday.

Be well,
Jacob Burney
Office Director (Acting)
Office of Community Support
Environmental Protection Agency
202-564-2907

From: Manion, Andrea <Manion.Andrea.L@epa.gov>
Sent: Tuesday, April 1, 2025 12:36 PM
To: Wise, Melissa <wise.melissa@epa.gov>; Burney, Jacob <Burney.Jacob@epa.gov>
Cc: Wright, Garth <wright.garth@epa.gov>; Connery, Shannon <Connery.Shannon@epa.gov>
Subject: FW: Updated OGC Recommended Response RE: ASAP Access

Hi,
Is the below still the approved language for responding to EJ grantees who ASAP accounts are suspended? R10 is getting questions from recipients and my management wants me to provide a response. Please see attached email.

If this is not the approved language, do you have a new approved response?

Thank you,

Andrea (Ann) Manion
Grants Management Officer
U.S. Environmental Protection Agency, R10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
206-553-1087

From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Friday, January 31, 2025 11:15 AM
To: Burney, Jacob <Burney.Jacob@epa.gov>; OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>
Cc: Segovia, Theresa <Segovia.Theresa@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>
Subject: RE: Updated OGC Recommended Response RE: ASAP Access

Thank you, Jacob, for sharing.

-Melissa

From: Burney, Jacob <Burney.Jacob@epa.gov>
Sent: Friday, January 31, 2025 2:07 PM
To: OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>
Cc: Segovia, Theresa <Segovia.Theresa@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>
Subject: FW: Updated OGC Recommended Response RE: ASAP Access
Importance: High

Greetings GMOs:

As requested, here is OGC's (Jim Drummond's) updated recommended language for OEJECR related to the IRA and IJA funded EJ grantees who have questions about their ASAP access.

See **highlighted** language in email below.

Regards,
Jacob

Jacob J. Burney | Division Director | Grants Management Division | Office of Environmental Justice and External Civil Rights |
[Tel:202.564.2907](tel:202.564.2907) | US EPA 1200 Pennsylvania Ave. NW (2201A) Washington, DC 20460 |

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For up-to-date information about Environmental Justice funding opportunities, events, and webinars, subscribe to EPA's Environmental Justice listserv by sending a blank email to: join-epa-ej@lists.epa.gov

From: Burney, Jacob
Sent: Friday, January 31, 2025 12:33 PM
To: Walts, Alan <walts.alan@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Triantafillou, Kathy <triantafillou.kathy@epa.gov>; Clarke, Rosita <clarke.rosita@epa.gov>
Cc: Dula, Justin <Dula.Justin@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>; Milazzo, Julie <Milazzo.Julie@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>
Subject: Updated OGC Recommended Response RE: ASAP Access
Importance: High

Greetings Lead Region (Alan, Kara, Kathy, and Rosita):

OGC has made an update to the language our program staff may use in responding to the IRA and IJA Grants pause. OGC is currently recommending this language for program office use when grant recipients ask why they cannot access funds in ASAP. It is based on the Office of Public Affairs statement coupled with the email from OGD to Grantees.

See Instructions below:

- Project Officers (POs) and other program staff should only use this message if a grant recipient contacts them and asks about the recipient's access to ASAP or similar questions. POs should **not** initiate contact with recipients.
- Once an email or question about ASAP access (or similar issue) is received, the respondent should attach the email attachment titled "Pause EPA Grants" to the response email.
- Copy and Paste the language below in the body of the email:

The Office of Management and Budget has rescinded the *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* memorandum. There is no pause on activities related to the obligation or disbursement of EPA Federal financial assistance referenced in the original memorandum at this time. The agency is continuing to work diligently to implement President Trump's *Unleashing American Energy* Executive Order issued on January 20 in coordination with the Office of Management and Budget. The agency has paused all funding actions related to the Inflation Reduction Act and the Infrastructure Investment and Jobs Act at this time. Please refer to the attached guidance.

We cannot comment further pending receipt of additional guidance.

GMD's Program Managers (Vanessa, Omari, etc.) are communicating this language to Regional Project Officers.

Just as before, if a particular region is having "no communication" with regional recipients at this time, those Project Officers can forward their recipients' emails us here in OEJECR HQ. We can respond with the updated recommended language out of GMD.

Let me know if you have questions or want to chat. For specific, case-by-case questions, project officers should talk to their leadership and to us.

Regards,
Jacob

Jacob J. Burney | Division Director | Grants Management Division | Office of Environmental Justice and External Civil Rights |
[Tel:202.564.2907](tel:202.564.2907) | US EPA 1200 Pennsylvania Ave. NW (2201A) Washington, DC 20460 |

Check out some of the great work communities have done with EJ grant funding in this interactive [EJ Grants and Communities Story Map!](#)

For Environmental Justice grant programs, funding opportunities, and assistance information:
<https://www.epa.gov/environmentaljustice/environmental-justice-grants-and-resources>

For up-to-date information about Environmental Justice funding opportunities, events, and webinars, subscribe to EPA's Environmental Justice listserv by sending a blank email to: join-epa-ej@lists.epa.gov

Message

From: Wise, Melissa [wise.melissa@epa.gov]
Sent: 3/27/2025 7:54:29 PM
To: OMS-OGD-GMOs Only [OMS-OGD-GMOs-Only@epa.gov]
CC: Regional Mission Support Division - Directors [Regional_Mission_Support_Division_Directors@epa.gov]; Regional Mission Support Division - Deputy Directors [Regional_Mission_Support_Division_Deputy_Directors@epa.gov]; Coogan, Daniel [Coogan.Daniel@epa.gov]; Askew, Wendel [Askew.Wendel@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: Approved Grant Statements

Good afternoon, GMOs,

I am sharing approved grant statements which can be used when communicating to grantees.

Cancelled Award

As with any change in Administration, the agency is reviewing its grants to ensure it is appropriate use of taxpayer dollars and to understand how those programs align with Administration priorities. The agency determined that your application no longer supports Administration priorities and cancelled issuance of an award.

Paused Award (i.e., 'Do Not Terminate')

As with any change in Administration, the agency is reviewing its awarded grants to ensure it is appropriate use of taxpayer dollars and to understand how those programs align with Administration priorities. The agency review is ongoing.

Thank you,

Melissa Wise

Director, Office of Grants and Debarment
Office of Mission Support
U.S. Environmental Protection Agency
1300 Pennsylvania Ave., NW
Washington, D.C. 20460
(202) 924-9911



Message

From: Simms, Vanessa [Simms.Vanessa@epa.gov]
Sent: 4/7/2025 10:14:36 PM
To: Park, Susan [Park.Susan@epa.gov]; Motilall, Christina [Motilall.Christina@epa.gov]; Burney, Jacob [Burney.Jacob@epa.gov]; Wise, Melissa [wise.melissa@epa.gov]
Subject: Re: CCG Question award # 00134600

Hi Melissa,

One of our CCG grantees (see below) has informed us that their ASAP account has been suspended. It is my understanding that CCG grants are not being terminated due to their terms and conditions preventing unilateral termination in the case of an administration change. Would you be able to give us any insight into the ASAP suspension for this grantee? Thank you.

Kind regards,
Vanessa

From: Park, Susan <Park.Susan@epa.gov>
Sent: Monday, April 7, 2025 5:32:54 PM
To: Motilall, Christina <Motilall.Christina@epa.gov>; Burney, Jacob <Burney.Jacob@epa.gov>; Simms, Vanessa <Simms.Vanessa@epa.gov>
Subject: FW: CCG Question award # 00134600

Good Afternoon Jacob/Vanessa,

Flagging for your attention and response.
cc: @Motilall, Christina for situational awareness.

Best.

~Susan

From: Robert Byrnes <Robert.Byrnes@fsst-nsn.gov>
Sent: Monday, April 7, 2025 5:03 PM
To: Park, Susan <Park.Susan@epa.gov>
Subject: FW: CCG Question award # 00134600

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hello,

We are suspended again in ASAP and the Tribal Council now has us frozen until we get this figured out. Any updates?

Thank you,

Flandreau Santee Sioux Tribe
Flandreau, South Dakota

Robert Byrnes

Grant Writer

p. 605.573.4253

Flandreau Santee Sioux Tribe

Confidentiality Notice: This information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to this message and deleting the material from any computer.

Message

From: Holliday, Kysha [Holliday.Kysha@epa.gov]
Sent: 2/12/2025 11:12:18 PM
To: Wise, Melissa [wise.melissa@epa.gov]
CC: Lentz, Rachel [Lentz.Rachel@epa.gov]; Sylvester, Kenneth [Sylvester.Kenneth@epa.gov]
Subject: Management Effectiveness Reviews and Transaction Testing
Attachments: R4 MER Final Draft Report.pdf; IPERA Grant Payment Review Training 2023_OGD Edits (003).pptx; 2025-02-06 - Memorandum on Review of Financial Assistance Programs.pdf; IPERA-Grants IP Review SOP_FINAL.pdf; KTIK Closeout Letter_SEPT 25 2024.pdf

Melissa,

Management Effectiveness Reviews

- The purpose of a management effectiveness review is to ensure EPA grants and program offices have implemented OGD-issued guidance in an efficient manner. (See attached R4 MER)
- MERs do not require transaction testing.
- MERs are more like a performance audit.

Advanced Monitoring Reviews

- OGD has a contract with Premier Group Services to perform 15 to 30 onsite administrative advanced monitoring reviews (\$16,000/review) and 2 technical assistance reviews (\$22,000/review) each year.
- We are currently on Option Year 2 of the contract. Contract officially ends 8/21/2027.
- Reviews include a comprehensive assessment of the recipients written policies, procedures and internal controls; as well as transaction testing (3 drawdowns per active assistance agreement for the first 5 awards)
- A formal report is issued for each review (see the attached KTIK Closeout Letter)

Improper Payment Reviews

- OCFO collaborates with OGD to perform IP transaction testing for the regular Grants payment stream (80 recipients/3 drawdowns each for a total of 240 drawdowns)
- OCFO staff performs transaction testing first. If questioned costs are identified, OCFO sends review to GMOs/OGD for a determination
- No formal report is issued. See SOP and training slides below:
 1. IPERA Grants IP Review SOP
 2. IPERA Grants Review Training Slides
 3. Improper Payments Reporting Requirements Document

Please let me know if more information is needed.

Kysha

Kysha Carter Holliday, (she, her, hers)

I
C
N
O
PL
Cell
Email

OVERSIGHT BRANCH
TRAINING AND COMPLIANCE DIVISION
AND DEBARMENT

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

39
202-763-5179
Holliday.kysha@epa.gov





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MEMORANDUM

DEPUTY ADMINISTRATOR

SUBJECT: Review of Financial Assistance Programs

FROM: Chad McIntosh, Acting Deputy Administrator

A handwritten signature in black ink, appearing to read "Chad McIntosh", is written over the printed name.

TO: Gregg Trembl, Acting Chief Financial Officer
Kimberly Y. Patrick, Principal Deputy Assistant Administrator, OMS
Deputy Assistant Administrators
Deputy Associate Administrators
Deputy Regional Administrators

Distribute as appropriate to those needed to carry out this direction.

Upon confirmation, EPA Administrator Lee Zeldin pledged to enthusiastically uphold the EPA's mission and our moral responsibility to be good stewards of our environment for generations to come. With that commitment is the promise to be accountable for the Agency's use of hard-earned American taxpayer dollars.

Congress has been clear on the need for oversight of funds provided to the Agency in the Inflation Reduction Act (IRA) (Pub. Law 117-169, Aug. 16, 2021, 136 Stat 1818) and other funding programs that may be improperly utilized. However, over the course of the prior Administration, several reports and investigations have raised serious concerns with the implementation of certain grant programs and subsequent grant awards.

Problems with implementation of these funding programs were egregiously confirmed from documented statements by Biden-Harris Administration political appointee staff at EPA describing the Agency's then funding push as "throwing gold bars off the Titanic."

In one example of the potential problematic implementation of programs, to expend, the Biden-Harris Administration utilized an external financial agent to hold funding, which is the first time the Agency has ever operated a grant funding program in that manner which could limit Agency oversight.

Not only have these instances been well documented, but during his confirmation hearing before the U.S. Senate Committee on Environment and Public Works and through additional Congressional requests, Administrator Zeldin has been specifically asked to ensure accountability of Agency funding. These documented accounts of potential waste, fraud, and abuse of hard-earned American taxpayer dollars warrant further attention and oversight.

For these reasons, I am directing our leadership team and all Agency personnel as follows:

Agency personnel shall immediately initiate and conduct an internal review of all relevant grant programs, grant awards, grants that have not yet been awarded and obligated to specific individuals or entities (e.g., notices of funding opportunities), and issued grants. This includes a review of payments on all grant programs and awards where Agency personnel suspect that the grant is unlawful or contrary to Agency policy priorities, or suspect that the grant program implementation or payment might be fraudulent, abusive, duplicative, or implemented in a way that failed to safeguard Agency dollars.

This directive shall be implemented by personnel in the Office of the Chief Financial Officer, the Office of Mission Support, and all relevant program and regional offices responsible for the execution of the Agency's programs, consistent with all notice and procedural requirements in each affected award, agreement, or other instrument. Whenever a program or award has been identified, Agency personnel shall utilize all available means to ensure necessary review for any administrative and criminal violations.

If any program, award, or action is deemed inconsistent with necessary financial and oversight procedural requirements or grant conditions, the Agency shall, where permitted by applicable law, take immediate action to ensure compliance. This includes coordination and further referral to the Office of the Inspector General and other entities to ensure full accountability and prosecution where applicable.

Notwithstanding this directive, any disbursements on open grant awards that were paused due to Office of Management and Budget Memorandum M-25-13 or any Executive Order underlying that Memorandum shall continue to be immediately released, as the Agency initiated on February 3, 2025.

Thank you for your continued service to ensure the effective implementation and use of taxpayer dollars.

Standard Operating Procedure Grants Improper Payment Review

**U.S. Environmental Protection Agency
Office of the Chief Financial Officer
Office of the Controller**

Acronyms and Commonly Used Terms

Abbreviation	Description
AFR	Agency Financial Report
AIMS	Assistance Information Management System
IPERA	Improper Payments Elimination and Recovery Act
GMO	Grants Management Officer
OARM	Office of Administration and Resource Management
OCFO	Office of the Chief Financial Officer
OC	Office of the Controller
OGD	Office of Grants and Debarment

Terms

Disallowed Costs - Costs/expenses charged to an assistance agreement that the Federal awarding agency determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the award. The OC/HQ refers questioned costs to the GMO's for determination of whether they should be classified as disallowed costs.

Improper Payment – As defined by OMB Circular A-123, Appendix C, an improper payment is any payment that should not have been made or that was made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements. Incorrect amounts are overpayments or underpayments that are made to eligible recipients (including inappropriate denials of payment or service, any payment that does not account for credit for applicable discounts, payments that are for an incorrect amount, and duplicate payments). An improper payment also includes any payment that was made to an ineligible recipient or for an ineligible good or service, or payments for goods or services not received (except for such payments authorized by law). In addition, when an agency's review is unable to discern whether a payment was proper as a result of insufficient or lack of documentation, this payment must also be considered an improper payment.

The term "payment" means any disbursement or transfer of Federal funds (including a commitment for future payment, such as cash, securities, loans, loan guarantees, and insurance subsidies) to any non-Federal person, non-Federal entity, or Federal employee, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity. The term "payment" includes Federal awards subject to the Single Audit Act and the Uniform Guidance for Federal assistance (2 CFR 200 Subpart F) (Single Audits) that are expended by both recipients and sub-recipients.

Questioned Costs - Costs claimed to an assistance agreement whereby the supporting documentation provided by the recipient is inadequate and does not fully support funds drawn. Questioned costs are referred to the GMO who makes the determination whether costs are reasonable, allocable, allowable or necessary to the agreement.

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1. Purpose

Improper payments legislation requires executive branch agencies to review all programs and activities, identify those that may be susceptible to significant improper payments, and report the results of improper payment activities to the President and Congress annually through their Agency Financial Reports.

The U.S. Environmental Protection Agency's Office of the Chief Financial Officer, Office of the Controller is responsible for overseeing the agency's improper payments program. Each office with responsibility for improper payment reporting must implement and monitor internal control activities within the payment stream for which it is responsible, with the goal of preventing, identifying and recovering improper payments.

This procedure establishes the statistical sampling review process for payments to grant recipients. The OC commenced the review in October 2017 for the Fiscal Year 2018 reporting cycle. This interim procedure will remain in effect until further notice.

Adherence to this procedure will help ensure compliance with the Improper Payments Information Act of 2002, as amended¹; the Office of Management and Budget's implementation guidance contained in OMB Circular A-123, Appendix C²; and financial reporting requirements identified in OMB Circular A-136³.

2. IPERA Process Summary - Grants

As a result of the quantitative risk assessment conducted by the agency in FY 2016, the grants payment stream was identified as being susceptible to significant improper payments. The risk assessment indicated that grants had the potential for exceeding the statutory threshold, which is defined as both a 1.5% improper payment and \$10 million of estimated improper payments (or \$100 million of estimated improper payments, regardless of the rate). EPA developed a statistical sampling methodology, submitted it to OMB in September 2016, and took baseline improper payment measurements in FY 2017. This procedure describes how the statistical sampling process will be performed starting in FY 2018.

¹ IPIA has been amended by the Improper Payments Elimination and Recovery Act of 2010 (IPERA) and the Improper Payments Elimination and Recovery Improvement Act of 2012 (IPERIA).

² See OMB Memorandum M-15-02, *Requirements for Effective Measurement and Remediation of Improper Payments*, dated October 20, 2014. https://obamawhitehouse.archives.gov/omb/circulars_default/

³ See OMB Circular A-136, *Financial Reporting Requirements*. Linked above.

3. Roles and Responsibilities

A. Office of the Chief Financial Officer

1. Pull sample and notify OGD
2. Notify recipients & request supporting documents
3. Collect, upload and review supporting documentation
4. Review supporting documentation for:
5. Identify questioned costs
6. Reconcile sustained IPs
7. Send the recipient(s) a closure letter
8. Calculate the Improper Payment rate
9. Report improper payment results and publish in the Agency Financial Report

B. Office of Administration and Resource Management, Office of Grants and Debarment

1. Compliance Team

- Receive courtesy copy of notification to recipients
- Perform Quality Control Review of the COMPLY database
- Receive courtesy copy of IP results from OC

2. Grants Management Officers

- Follow up with recipients identified on the initial IP list
- Assist with clarifying grant specific inquiries
- Respond to OC inquiries
- Follow up with recipients with identified questioned costs
- Validate questioned costs by June 30th

4. Grant IP Review Process & Criteria

The OC will report identified improper payments based on the information requested from the OMB and in accordance with agency specified standard processes.

IP Review Process

1. Pull sample and notify OGD
 - By Oct 15th, the OC HQ Review Team will run a Compass Business Objects Report identifying the universe of grant payments. The OC's statistician will select an unbiased statistical sample, which shall include 75 recipients with at least three draws per recipient, in accordance with the certified sampling methodology. The OC HQ Review Team shall review the sample list for accuracy and will email it to OGD and the applicable GMOs. The OC will also provide notice during the monthly GMO call.
2. Notify recipients & request supporting documents
 - The OC HQ Review Team shall use the information provided in the sample list and AIMS to identify a point of contact for each recipient from its current payment records. The OC's HQ Review Team will call recipients to verify the grantee point of contact email

address where the electronic notifications are sent via email. Track the point of contact, phone calls, and email notifications with a spreadsheet (initial contact, 1st letter, 2nd letter, etc).

- The OC HQ Review Team will send the selected recipients an electronic notification letter (with copies to OGD and the appropriate GMO) requesting that supporting documentation be provided for the statistically selected draws. The notification letter will request that recipients submit supporting documentation within 30 calendar days to PaymentIntegrityTeam@epa.gov.

3. Collect, upload and review supporting documentation

- Upon receipt, The OC HQ Review Team shall upload the supporting documentation into the COMPLY database.
- If the recipient has not provided supporting documentation within the 30 calendar days specified in the notification letter, The OC HQ Review Team shall promptly follow up with the recipient by phone and/or email and document the conversation. Fifteen additional calendar days will be allowed for submission of documentation.
- The OC HQ Review Team will consider additional extension periods on a case by case basis with the final decision resting with the OC's PTAD Director.
- Non-responsiveness by the recipient or lack of adequate supporting documentation to complete the review will result in a questioned cost determination by the OC HQ Review Team. Review supporting documentation for:
 - a. Purpose – authorized need/intent
 - b. Time – within timeframe of grant
 - c. Amount – within limits

See Exhibit 4.A for additional instructions for reviewing supporting documentation.

4. Identify questioned costs

- From November through March, the OC HQ Review Team will undertake the IPERA reviews to identify questioned costs.
- If a recipient's payments are found to be proper, the OC HQ Review Team will close the review, record in the COMPLY database and notify the recipient, GMO, and OGD of completion.
- If questioned costs are found, the appropriate GMO and OGD will be emailed to inform them of the issues and the COMPLY record will be updated with the questioned cost amount.
- The GMO will review the questioned costs and make a final determination about whether they should be disallowed. This determination may require follow up by the GMO with the recipient for additional information and clarification.
- The GMO will inform the OC HQ Review Team of the decision to disallow or offset any questioned costs to ensure the maintenance of accurate financial records.
- For reporting purposes, all questioned costs under review must be resolved by June 30th. Any costs that are not resolved by June 30th will be reported as an improper payment; this includes any costs that are still under appeal. Questioned costs determined to be proper after June 30th will be reported as recoveries the following year.

5. Reconcile sustained IPs (see Exhibit 6)

Review Criteria

1. Validity

- i. Was the payment issued to the correct recipient?
- ii. Was the amount drawn for immediate cash needs?
- iii. Is the payment for costs incurred within the approved budget period?
- iv. Do all the costs included appear to be within the scope of the approved grant?

2. Documentation

- i. Does the source documentation provided support the entire amount of the drawdown?
- ii. Does the documentation appear to be valid?

3. Payroll

- i. Compare actual hours worked and pay rate to supporting documentation to ensure amount requested for reimbursement is accurate. (i.e.: job cost, labor or expense reports).
- ii. Confirm hours are supported by timesheets or other timekeeping records.
- iii. Consultant cap applicable? (SES level four; only applicable to prime)

4. Travel

- i. Confirm travel was included in the grantee's approved budget. NOTE: International travel must be approved with a specific term and condition.
- ii. Verify the amounts recorded for travel reflect the actual amounts requested for reimbursement.

5. Procurement

- i. Validate amounts from vendor supporting invoices match the totals in the reimbursement request.
- ii. Does the budget include cost categories for contracts, equipment, supplies, other direct costs?
- iii. Does the cost of the purchases appear to be within the scope of the approved grant?

5. Indirect Costs

- i. If indirect costs are included in the request for drawdown, confirm the indirect cost rate percentages mathematically calculate to the amounts shown on the payment. NOTE: Recipients with approved negotiated indirect cost rates from their Federal cognizant agency SHOULD be able to provide a copy of their most recent agreement. The agreement will identify how the rate should be applied as well as the time period the IDC rate covers.
- ii. Does the recipient have a current approved IDC rate agreement from its Federal cognizant agency?

- iii. Did the recipient apply their IDC rate to the correct base (salaries/wages; salaries/wages & fringe benefits; total direct costs, and modified total direct costs)?
- iv. Please note: Some recipients opt to use the flat IDC rate of 10% of modified total direct costs. Grants awarded after 12/26/14 that use the flat rate must apply it to MTDC only. No documentation or approved IDC agreement is needed to support these costs.

5. Associated Systems

- **COMPLY**– Central repository for all EPA grantee compliance-related activities. It contains pre-award certifications, administrative and programmatic advanced monitoring, reviews, indirect cost rate agreements, audits and enforcement actions audits, monitoring, and enforcement actions.
- **Compass Financials** – the agency's financial management system

6. Additional Information

- Improper Payment Elimination and Recovery Act of 2010
https://paymentaccuracy.gov/pdf/PL_111-204.pdf
- OMB Memorandum M-15-02, *Requirements for Effective Measurement and Remediation of Improper Payments*, dated October 20, 2014.
https://obamawhitehouse.archives.gov/omb/circulars_default/
- OMB Memorandum M-18-20, *Transmittal of Appendix C to OMB Circular A-123, Requirements for Payment Integrity Improvement*, dated June 26, 2018.
<https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-20.pdf>
- EPA's Annual Improper Payment Guidance
http://intranet.epa.gov/ocfo/management_integrity/improper_payments.htm

Exhibit 1

Grant IPERA Process Map

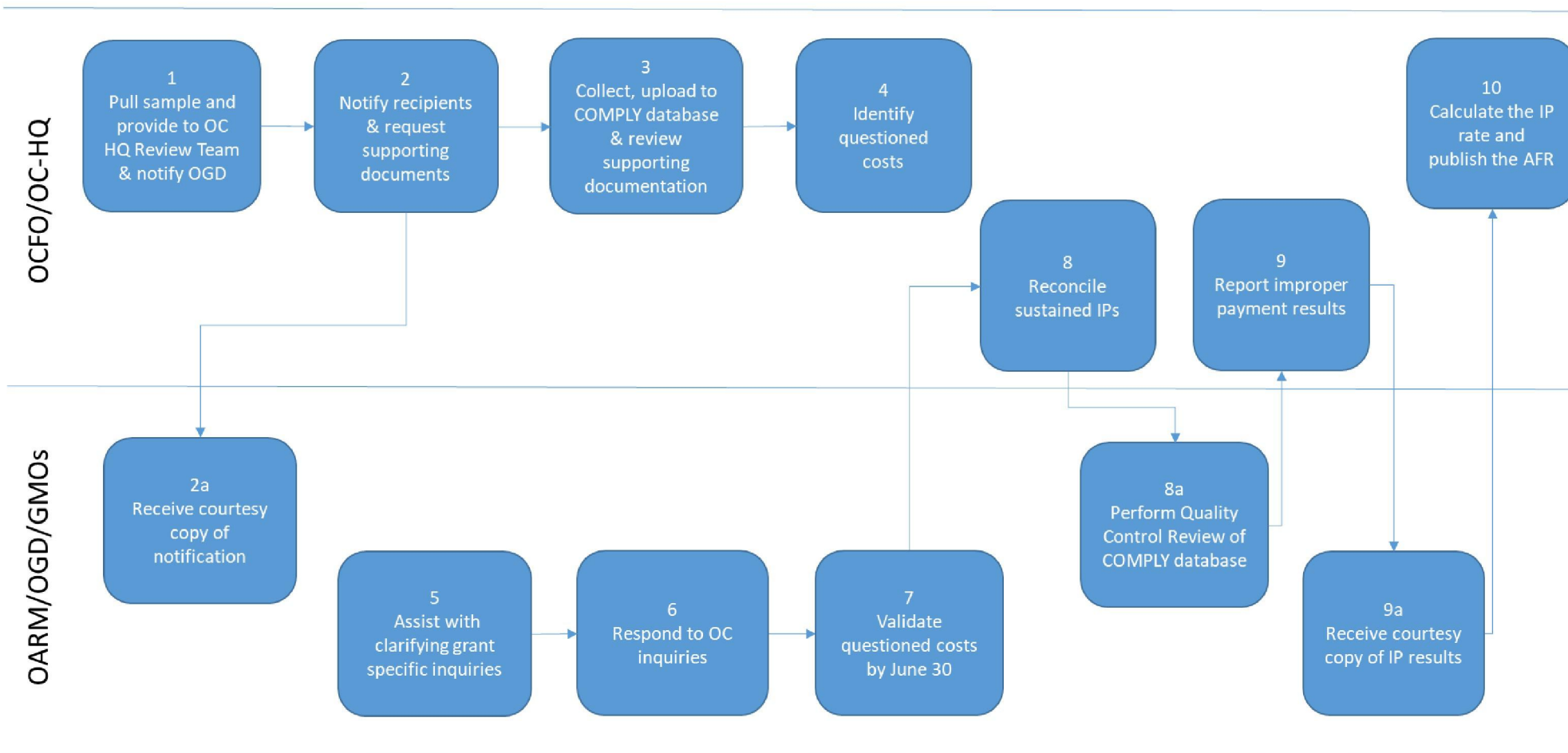


Exhibit 2

IPERA Review Timeline

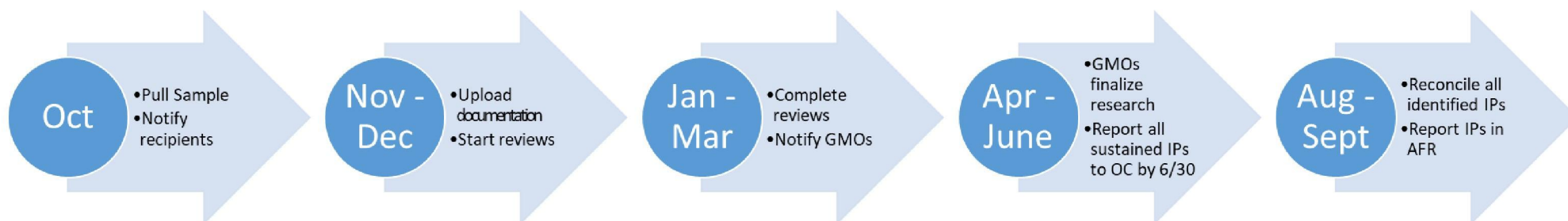


Exhibit 3**Sample Recipient Notification Letter**

Dear XXXXX,

Each year the U.S. Environmental Protection Agency conducts reviews of the financial practices of its grant recipients in accordance with the Improper Payment Elimination and Recovery Act of 2010 found at https://paymentaccuracy.gov/pdf/PL_111-204.pdf. For the Fiscal Year 20XX improper payments reporting cycle, your organization has been selected for an improper payment review. The Office of the Chief Financial Officer's Office of the Controller will perform the review and will examine supporting documentation of selected financial transactions.

Please note that this is not a formal audit and is outside of the Advanced Administrative Monitoring Reviews conducted by the Office of Administration and Resources Management's Office of Grants and Debarment, and the EPA has not identified your organization as having any administrative or financial management concerns. Your organization was chosen randomly, based on receiving payment for an EPA assistance agreement during the applicable review period.

The following payments have been selected for review:

EPA Assistance Agreement Funds		
Agreement Number	Amount of Payment	Date of Payment

During the review, the EPA's OCFO-OC will need to examine all supporting documents for the requested payments. Please provide the supporting documentation for all requested payments and submit them to PaymentIntegrityTeam@epa.gov within 30 calendar days upon receipt of this letter. For purposes of the IPERA, this review requires supporting documentation for 100% of the identified draws. Electronic submission of the complete package is preferred; however hard copies are acceptable and may be submitted to:

Regular Mail	Courier Packages
US EPA	US EPA Ronald Reagan Building (RRB)
1200 Pennsylvania Avenue, N.W. – MS #2733R	1300 Pennsylvania Avenue, N.W.
Washington, DC 20460	Washington, DC 20004
PaymentIntegrityTeam@epa.gov	PaymentIntegrityTeam@epa.gov

If additional time is needed to complete the package, please contact PTAD as soon as possible and before the 30-calendar day deadline.

Disclaimer

The EPA reserves the right to conduct additional reviews to confirm overall compliance with federal grants management regulations, policies and procedures.

Exhibit 4

Recipient Name _____ Agreement # _____

Grant Draw Amount _____ Draw Date _____

IPERA Review Checklist

	YES	N/A	DATE	
1				VALIDITY
a				Payment to correct recipient.
b				Amount drawn for immediate cash needs.
c				Payment for costs incurred within the approved budget period.
d				All costs included appear to be within the scope of the approved grant.
2				DOCUMENTATION
a				Source documentation supports entire amount of the draw.
b				Documentation appears to be valid.
3				PAYROLL
a				Actual hours worked and pay rate match supporting documentation ensuring amount requested for reimbursement is accurate. (i.e., job cost, labor or expense reports)
b				Confirm hours are supported by timesheets or other timekeeping records.
c				Consultant cap applicable? (SES level four; only applicable to prime)
4				TRAVEL
a				Travel was included in approved budget. (Int'l travel approved with specific T & C.)
b				Amounts recorded for travel reflect actual amounts requested for reimbursement
5				PROCUREMENT
a				Amounts from vendor supporting invoices match the totals requested.
b				Budget includes cost categories, equipment, supplies, other direct costs.
c				Cost of purchases appear to be within the scope of the approved grant.
6				INDIRECT COSTS
a				Indirect cost rate percentages included in request for drawdown mathematically calculate to the amounts shown on payment.
b				Recipient has a current approved ICD rate agreement from its Federal cognizant agency.
c				Recipient applied their IDC rate to the correct base (salaries/wages: salaries/wages & fringe benefits: total direct costs, and modified total direct costs).
d				Recipient opted to use the flat IDC rate of 10% of modified total directs. Grants awarded after 12/26/14 must apply it to MTDC only. No documentation needed.

7	QUESTIONED COSTS	Referred to GMO. Identified below and/or attached.
Primary Reviewer _____		Date: _____
Secondary Reviewer _____		Date: _____

Exhibit 4.A**IPERA Review Guide**

Below are additional step-by-step instructions for assisting reviewers when determining whether costs should be referred to the GMO for determination of reasonableness and allowability. These steps are solely provided as helpful tips and are to be used in addition with the guidance provided within this document.

1. Complete the required training prior to beginning your review. A statement of completion must be sent to the HQ IPERA Review Team Lead.
2. Obtain your review file from your Team Lead. Each review file will be labeled with the following:
 - Grant Recipient Number (1-80)
 - Grant Recipient Name
 - Grant Draw Amount
3. Print out a blank checklist (Exhibit 4)
4. Go to the Shared Folder and locate the Assistance Agreement corresponding to your Grant Payment Draw folder. This will be placed on the left side of the review folder
5. Review the Assistance Agreement and Grant Payment Draw folder to ensure the Recipient and Grant Draw information match.
6. Review the Grant Recipient's Supporting Documentation on the Shared Folder to ensure all supporting documentation has been printed and is located within your hard copy file.
7. Go to CDW to run the "Compass Grants" query.
 - a. Enter the Grant Number
 - i. No Spaces
 - ii. Must include the Program Code (which is two letters in front of the Grant Number)
 - b. From the results, select "Document Activity"
 - c. Select the payment that matches your draw payment amount.
 - d. Select "Document Activity" again and print this page. If you select the number that starts with "GO" = Grant Order, you will find additional information about your grant draw (e.g. Recipient Name, etc.).
 - e. Highlight the Draw Date to use during your review as the date the Agency provided the funds to the Recipient.
 - Recipients are required to disburse the funds within 3-5 business days of drawing down the funds.
 - Exception: Recipients may draw funds to cover expenses incurred by the Recipient prior to the Draw Date listed on the CDW report.

8. Review the Assistance Agreement to become familiar with the terms and conditions, as well as the Purpose, Time, Amount, and Scope of the award.
 - a. Highlight the following items on the Assistance Agreement:
 - i. Recipient Name
 - ii. Grant Number
 - iii. Budget Period
 - iv. Indirect Cost Rate (If Applicable)
 - v. Scope/Purpose
9. Begin Reviewing Supporting Documentation – In accordance with OMB Circular A-123's definition of questioned costs, assistance agreements (containing the terms and conditions of the Federal Award) are used to validate the purpose, time, and amount when reviewing supporting documentation.
 - a. Summary sheets of all costs totaling the grant draw amount is not considered supporting documentation. In the event only a summary sheet is provided and not invoices, timesheets, or other supporting documentation, the reviewer will need to follow-up with the Recipient to obtain the additional support needed.
 - b. For payments missing supporting documentation follow-up with Recipient, providing 3-5 business days to respond. Additional follow-up may be needed on a case-by-case basis. If you are unable to receive supporting documentation for any costs, these costs would be considered questioned costs and should be referred to the GMO for determination of proper or improper.
 - c. Indirect/Overhead Cost Rates (10% unless an IDC rate agreement is provided by the Recipient)
 - i. In the event the Assistance Agreement does NOT provide an indirect/overhead cost rate, but the Assistance Agreement summary sheet shows indirect costs being included, you should review the supporting documentation to locate any mention or support indirect/overhead cost rates.
 - ii. All indirect/overhead cost rates or costs not included in the Assistance Agreement will require follow-up with the Recipient to obtain supporting documentation.
10. Complete the Checklist
 - a. All questioned costs should be notated on the checklist, along with the cost category for each questioned cost (e.g. Payroll, Procurement, Travel).
11. Refer all questioned costs to the GMO. The OC HQ Review Team Lead will provide standard language to be used when referring questions costs to the GMO.

Note: All correspondence with the grant recipient to obtain additional supporting documentation or to request clarification of supporting document should be saved in the appropriate grant recipient folder on the Shared Drive as a pdf file and should be included in the review folder.

Exhibit 5**Sample Recipient Closure Letter**

Dear XXXXX,

Thank you for complying with our request. In accordance with the Improper Payment Elimination and Recovery Act of 2010, the U.S. Environmental Protection Agency's Office of the Chief Financial Officer, Office of the Controller has reviewed the information you provided in support of the sampled transactions and found no improper payments.

This notification signifies conclusion of this review; however, please note the EPA reserves the right to conduct additional reviews to confirm overall compliance with federal grants management regulations, policies and procedures.

Again, thank you for your time and compliance. If you have any questions, please contact the U.S. EPA at PaymentIntegrityTeam@epa.gov.

Aileen Atcherson
Director, Policy, Training and Accountability Division
EPA/OCFO/OC

Exhibit 6**Reconciliation of Sustained Improper Payments**

As a result of a FY14 EPA OIG audit, *EPA Needs to Continue to Improve Controls for Improper Payment Identification*, the grants reporting systems need to be reconciled to ensure the reliability and integrity of improper payment reporting for the grants payment stream. The Grant System (compliance database) disallowed costs and Compass Database Warehouse (CDW) accounts receivables need to be reconciled to identify any variances between systems.

Variances between the systems may be due to partial offsets, account receivables from previous years, missing documents from regions, etc. Grants management offices are responsible for recording the final improper payment amounts and audit and review closed dates in the compliance database once the Finance Center issues a bill and the grants office receives a copy of the bill.

OGD prepares the report from the compliance database and sends the draft to OC HQ Review Team. The OC HQ Review Team runs a report in CDW and conducts a reconciliation.

Run the CDW report using the Accounts Receivable Inquiry. Complete the following queries:

Original Document Date: July 1, 20XX – Jun 20, 20XX

Pick an SFO: LVFC – Las Vegas Finance Center (choose the correct servicing finance office for Grants)

Click Submit

After the first report is ran. Run additional reports using the queries above and the **report category** (RC). The reporting categories are indicated below.

- 12 Audits
- 25 Exp Funds
- 32 AANs (Admin Adjustments)
- 77 Disallowed Costs
- 78 Fellows
- 83 Crim w/IP
- 84 Crim w/o IP
- 98 Installments
- 99 Misc

Perform a reconciliation between the CDW report and compliance database report to determine the nature and cause for the variance. Previous reconciliation reports from OCFO consisted of a (1) summary reconciliation tab which includes all the variances and explanations, (2) the AR report from CDW using all RCs (using correct SFO), (3) and tabs that include the CDW report for each individual RC that included ARs. Example of FY19 report below.



FY19 CDW IP Recon
w OGD.xlsx

The OC HQ Review Team submits a draft reconciliation report to OGD. OGD will respond to the report and the OC HQ Review Team will update the reconciliation report based on OGD's input.

Submit the final reconciliation report to the OC HQ Review Team and a courtesy copy to OGD.

OGD shall work with the OC HQ Review Team to reconcile all grant improper payments, including those identified both through OC's statistical selection and through OGD's non-statistical activities ensuring every identified grant IP is properly recorded in Compass and the COMPLY database.

1. Closure Notification

- The OC HQ Review Team will send the recipient a closure notification to officially end their review when there are no discrepancies. If appropriate, the GMO will issue a letter to the recipient detailing the findings/reasons for any disallowed costs. This letter will include payment instructions as well as appeal rights. The GMO will OC HQ Review Team a courtesy copy of the disallowance letter, triggering RTP-FC to establish an accounts receivable.

2. Calculate the Improper Payment rate. The OC will calculate the improper payment rate and report the improper payment results via the AFR data.

Message

From: Rose, Kenneth [Rose.Kenneth@epa.gov]
Sent: 2/13/2025 6:22:51 PM
To: Wise, Melissa [wise.melissa@epa.gov]
Subject: RE: Additional Information on IIJA and IRA - program review pause

Okay, great. Thank you.

From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Thursday, February 13, 2025 1:06 PM
To: Rose, Kenneth <Rose.Kenneth@epa.gov>
Subject: RE: Additional Information on IIJA and IRA - program review pause

Hi Ken,

This issue has been raised by others and we are working with OCFO to correct this – the report generated came from OCFO. Please standby.

Thanks,
Melissa

From: Rose, Kenneth <Rose.Kenneth@epa.gov>
Sent: Thursday, February 13, 2025 12:58 PM
To: Wise, Melissa <wise.melissa@epa.gov>
Subject: RE: Additional Information on IIJA and IRA - program review pause

Melissa,

Good afternoon. I notice that there are no DERA grants in the excel file listing grants impacted by the temporary pause, yet DERA is in the 2/7/2025 OCFO list and on the table that Dan showed on Monday as under compliance review. Do we know why DERA grants were left off this list? I know that their ASAP accounts are suspended like the others in the Excel as I am getting emails from recipients.

Thanks,
Ken

From: Wise, Melissa <wise.melissa@epa.gov>
Sent: Wednesday, February 12, 2025 1:22 PM
To: OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>
Cc: OCFO-SROs <OCFO_SROs@epa.gov>; OMS-OGD-Grants JROs <OMS-OGD-Grants-JROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Deputy Directors <Regional_Mission_Support_Division_Deputy_Directors@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>
Subject: RE: Additional Information on IIJA and IRA - program review pause
Importance: High

Good afternoon, GMOs,

Please utilize the attached report which identifies all grants impacted by the temporary pause.

Thank you,
Melissa

From: Wise, Melissa

Sent: Monday, February 10, 2025 3:00 PM

To: OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>

Cc: OCFO-SROs <OCFO_SROs@epa.gov>; OMS-OGD-Grants JROs <OMS-OGD-Grants-JROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Deputy Directors <Regional_Mission_Support_Division_Deputy_Directors@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>

Subject: RE: Additional Information on IJIA and IRA - program review pause

GMOs,

As a follow-up to the message below, OGD will provide a report that will identify all grants impacted by the temporary pause required for compliance review. Further, OGD will expand the listing below to include associated program codes and source of funds. The report will display active grants by region and HQ to ensure full awareness and accountability.

Thank you,
Melissa

From: Wise, Melissa

Sent: Friday, February 7, 2025 7:49 PM

To: OMS-OGD-GMOs Only <OMS-OGD-GMOs-Only@epa.gov>

Cc: OCFO-SROs <OCFO_SROs@epa.gov>; OMS-OGD-Grants JROs <OMS-OGD-Grants-JROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Deputy Directors <Regional_Mission_Support_Division_Deputy_Directors@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>

Subject: FW: Additional Information on IJIA and IRA - program review pause

Importance: High

Good evening, GMOs,

Please see important message below.

Thank you,
Melissa

From: Budget and Planning <Budget_and_Planning@epa.gov>

Sent: Friday, February 7, 2025 6:04 PM

To: Budget and Planning <Budget_and_Planning@epa.gov>; OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional_Budget_Officers@epa.gov>; OCFO-SROs <OCFO_SROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>

Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; Henry, Latonya <Henry.Latonya@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>; Lane, Gary <Lane.Gary@epa.gov>; Robinson, Angel <robinson.angel@epa.gov>; Boyd, Wyatt <Boyd.Wyatt@epa.gov>; Katz, Brian <Katz.Brian@epa.gov>; Cardenas, Andrew <Cardenas.Andrew@epa.gov>; Li,

Sylvana <li.sylvana@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Cottrill, Edward <Cottrill.Edward@epa.gov>

Subject: RE: Additional Information on IJA and IRA - program review pause

Pursuant to the review of financial assistance programs announced by the Acting Deputy Administrator on February 6, the following accounts are temporarily paused for new obligations or disbursements for assistance agreements, loans, rebates, interagency agreements, procurements, and no-cost actions pending a review for compliance with applicable administrative rules and policies.

Air Quality Sensors in Low Income and Disadvantaged Communities (OAR) (STAG)
Clean Heavy-Duty Vehicles (OAR) (STAG)
Clean Heavy-Duty Vehicles in Nonattainment Areas (OAR) (STAG)
Clean School Bus Program (STAG)
Competitive Grants (OAR) (STAG)
Diesel Emissions Reductions (OAR) (STAG)
Emissions from Wood Heaters (OAR/ORD) (STAG)
Environmental and Climate Justice Block Grants – Technical Assistance (OEJECR)
Environmental and Climate Justice Block Grants (OEJECR)
Environmental Product Declaration Assistance (OCSPP/ORD/OAR)
Fenceline Air Monitoring and Screening Air Monitoring (OAR/ORD) (STAG)
Funding for the Implementation of the American Innovation and Manufacturing Act (OAR)
Funding for Section 211 of the Clean Air Act – Advanced Biofuels (OAR)
GHG Air Pollution Implementation Grants (OAR) (STAG)
GHG and Zero Emission Standards for Mobile Sources (OAR) (STAG)
GHG Pollution Planning Grants (OAR) (STAG)
Grants to Reduce Air Pollution at Ports (OAR) (STAG)
Grants to Reduce Air Pollution at Ports in Nonattainment Areas (OAR) (STAG)
Greenhouse Gas Corporate Reporting (OAR) (STAG)
Greenhouse Gas Reduction Fund – General Assistance (OA) (STAG)
Greenhouse Gas Reduction Fund – Low Income and Disadvantaged Communities (OA) (STAG)
Greenhouse Gas Reduction Fund – Zero Emission Technologies (OA) (STAG)
Implementation / Accountability (OAR)
Implementation and Compliance (OECA)
Industry Outreach (OAR)
Low Embodied Carbon Labeling for Construction Materials for Transportation Methane Monitoring (OCSPP/OAR/ORD)
Multipollutant Monitoring Stations (OAR) (STAG)
State/Tribal/Local Government Outreach (OAR)
Technical Assistance for Low Income Communities (OAR)

From: Budget and Planning <Budget_and_Planning@epa.gov>

Sent: Friday, February 7, 2025 11:29 AM

To: Budget and Planning <Budget_and_Planning@epa.gov>; OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional_Budget_Officers@epa.gov>; OCFO-SROs <OCFO_SROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>

Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; OCFO-OB-ALL <OCFO-OB-ALL_x@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>

Subject: RE: Additional Information on IJA and IRA

We are working expeditiously to carry out the attached and request your assistance where appropriate.

(excerpt)

Notwithstanding this directive, any disbursements on open grant awards that were paused due to Office of Management and Budget Memorandum M-25-13 or any Executive Order underlying that Memorandum shall continue to be immediately released, as the Agency initiated on February 3, 2025.

From: Budget and Planning <Budget_and_Planning@epa.gov>

Sent: Wednesday, February 5, 2025 11:00 AM

To: Budget and Planning <Budget_and_Planning@epa.gov>; OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional_Budget_Officers@epa.gov>; OCFO-SROs <OCFO_SROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>
Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; OCFO-OB-ALL. <OCFO-OB-ALL_x@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>

Subject: RE: Additional Information on IJA and IRA

Clarifying the compound sentence in the original message.

Consistent with Court Order, obligations and disbursements to carry out all necessary work can proceed for:

- federal financial assistance;
- Superfund;
- and the accounts (originally) attached.

Note that thousands of accounts are involved and this is a manual process.

From: Budget and Planning <Budget_and_Planning@epa.gov>

Sent: Tuesday, February 4, 2025 1:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional Budget Officers <OCFORegional_Budget_Officers@epa.gov>; OCFO-SROs <OCFO_SROs@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; Regional Mission Support Division - Directors <Regional_Mission_Support_Division_Directors@epa.gov>; OCFO-FCOs <OCFO-FCOs@epa.gov>
Cc: Wise, Melissa <wise.melissa@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Rogers, JoanB <Rogers.JoanB@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Kalikhman, Yulia <kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Miller, Renee <Miller.Renee@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory <luebbering.gregory@epa.gov>; OCFO-OB-ALL. <OCFO-OB-ALL_x@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>

Subject: Additional Information on IJA and IRA

Importance: High

This message provides additional detail to the attached message from the Acting Chief Financial Officer.

Consistent with Court Order, obligations and disbursements to carry out all necessary work can proceed for all federal financial assistance, including cooperative assistance agreements, all Superfund, and the accounts attached.

We will continue to keep the community updated as we implement Orders. Please note that effectuation in agency systems is occurring and requires sequencing.

Please share this information within EPA as necessary to execute.